

benefits in use by any employer, shall be liable to execution, attachment, garnishment or other process or operation of law to pay debt or liability of the insured or any beneficiary, either before or after payment, except for premiums on such policy or debts of the insured secured by pledge thereof, and providing that wherever such policy or plan shall provide against assignments or commutations, assignments or commutations by a benefit in violation of such provision shall be void, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. No money or benefits of any kind to be paid or rendered on a weekly, monthly or other periodic or installment basis to the insured or any beneficiary under any policy of insurance issued by a life, health or accident insurance company, including mutual and fraternal insurance, or under any plan or program of annuities and benefits in use by any employer, shall be liable to execution, attachment, garnishment or other process or be seized, taken or appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of the insured or of any beneficiary, either before or after said money or benefits is or are paid or rendered, except for premiums payable on such policy or a debt of the insured secured by a pledge thereof.

Sec. 2. Wherever any policy of insurance or plan or program of annuities and benefits mentioned in Section 1 of this Act shall contain a provision against assignment or commutation by any beneficiary thereunder of the money or benefits to be paid or rendered thereunder, or any rights therein, any assignment or commutation or any attempted assignment or commutation by such beneficiary of such money or benefits or rights in violation of such provision shall be wholly void.

Sec. 3. The fact that there are no provisions of law by which beneficiaries in life, health and accident insurance policies and employees under annuities and benefits plans of their employers are secured against creditors in the collection and enjoyment of the benefits and payments

provided for them, creates an emergency and imperative public necessity that the rule requiring bills to be read on three several days be suspended and that this Act shall take effect and be in force from and after its passage; and it is so enacted.

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas, March 1, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Stuart.

Absent—Excused.

Fairchild.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hall:

S. B. No. 451, A bill to be entitled "An Act to amend Article 1323 of Chapter 3 of Title 32 of the Revised Civil Statutes of Texas of 1925, so as to provide that any corporation formed under subdivisions 1, 2 and 3, of Chapter 1 of Title 32 of such Revised Statutes may elect all or

part of its directors for terms of not exceeding three years, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 452, A bill to be entitled "An Act requiring all State rangers to hereafter be stationed in the city of Austin, and enacting the necessary provisions so that said rangers may be sent to various portions of the State when needed; providing what shall be done when rangers are needed at any particular place or in any particular county, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 453, A bill to be entitled "An Act providing for preservation and protection of the public free school fund and of the university fund and of the asylum fund, and for recovery by the State of Texas of any and all lands rightfully belonging to the State of Texas or to any of said funds but which are now or may be held in possession of or claimed adversely to the State of Texas or to the fund to which such land belongs, and for recovery and collection of damages and of compensation resulting from or for any illegal taking or removal or cutting or use or destruction or injury or sale or appropriation of any and all minerals or timber or property of any kind out of or from or upon such land; providing that such recoveries and such collections shall be made by the Attorney General by suit or action in court, or otherwise, as he shall deem advisable and expedient in the particular instance, including compromises and settlements, any such compromise and settlement in any such suit or action to be by and with the approval of the court wherein such suit or action then may be pending, and that any such compromise settlement involving such land, whether made during pendency of such suit or otherwise, may include acquisition thereby, by such adverse holders or claimants of such land, or any of them, of mineral privileges, rights and leases in and on such land, or any portion or portions thereof, of such kinds as may be obtainable, otherwise, under then existing laws; imposing and conferring

upon the Attorney General and the Commissioner of the General Land Office certain duties and powers, and imposing upon county attorneys certain duties and providing for their compensation, in the premises; providing that all applicable provisions of this Act shall extend and apply to any and all lands and to any and all claims for damages and to any and all claims for compensation that are or may be involved in any now pending suit or action wherein the State of Texas is a party litigant and is or shall be represented by the Attorney General; fixing venue of such suits and actions which may be filed or instituted by the Attorney General; repealing Article 5421 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

By Senator Bledsoe:

S. B. No. 454, A bill to be entitled "An Act validating the city of Sudan, Lamb County, Texas, incorporated under the General Laws of Texas at an election held on the 28th day of September, 1925, under the provisions of Chapter 15, Title 22, Revised Civil Statutes of 1911, as amended by Chapter 21, Acts of 1913, Regular Session, as amended by Chapter 60, Acts of the Regular Session."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Moore:

S. B. No. 455, A bill to be entitled "An Act creating a special road law for Hunt County, Texas, providing that said county may fund the legal outstanding indebtedness against its road and bridge funds as of January 1, 1927, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Price:

S. B. No. 456, A bill to be entitled "An Act to amend Article 198 of the Revised Civil Statutes of Texas, 1925, so as to remove the counties of Wood and Van Zandt from the Fifth Supreme Judicial District and place them in the Sixth Supreme Judicial District."

Read first time and referred to Committee on Judicial Districts.

By Senator Holbrook:

S. B. No. 457, A bill to be entitled "An Act authorizing any county in

this State upon a vote of two-thirds majority of the resident property tax payers voting thereon, in addition to all other debts, to issue bonds or warrants, or otherwise lend its credit in an amount not to exceed one-fourth of the assessed valuation of the real property of such county for the purpose of navigation and in aid thereof; providing for the holding of elections for such purpose, the returns of election; the declaration of the result; the issuance of bonds or warrants and the levy of taxes for the payment thereof; giving the right of eminent domain; the right to cooperate with the United States Government for the purposes thereof, and to transfer to the United States Government, right-of-way and necessary dumping privileges, for navigation purposes, or in aid thereof, and repealing Senate Bill No. 227 passed by the Fortieth Legislature at its Regular Session, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, March 1, 1927
Hon Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 387, A bill to be entitled "An Act to amend Section 2, Article 6479, Chapter 11, Title 112, of the 1925 Revised Civil Statutes of Texas relating to operation of passenger trains on railroads in Texas."

H. B. No. 517, A bill to be entitled "An Act to amend Article 2547, Chapter 2, Title 47, Revised Civil Statutes of 1925, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Senate Bill No. 267.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 267. A bill to be entitled "An Act to amend Articles 904 and 904a of the State of Texas, relating to the fee for non-residents who reside in border counties of other

states adjoining the State line of Texas, providing that same exemption shall be in effect as to only such non-residents of such states as may adopt a reciprocal provision exempting residents of border counties in Texas from the non-resident license fee."

The bill was read third time and finally passed.

Senate Bill No. 216.

The Chair laid before the Senate, as a special order, the following bill:

S. B. No. 216, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1927, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 216 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Neal.	Wood.
Parr.	

Absent.

Floyd.	Witt.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	Miller.
Bowers.	Neal.
Greer.	Parr.
Hall.	Pollard.
Hardin.	Price.
Holbrook.	Real.

Reid.	Ward.
Russek.	Wirtz.
Smith.	Witt.
Stuart.	Wood.
Triplett.	

Present—not Voting.

Westbrook.

Absent.

Floyd.	Moore.
McFarlane.	Woodward.

Absent—Excused.

Fairchild.

House Bills Referred.

After their captions were read, the Chair referred the following bills:

House Bill No. 387 referred to Committee on State Affairs.

House Bill No. 517 referred to Committee on Banks and Banking.

Senate Bill No. 443.

Senator Wirtz received unanimous consent to take up out of its order the following bill:

S. B. No. 443, A bill to be entitled "An Act ratifying and validating an election heretofore held in and throughout Guadalupe County, Texas, upon the question of authorizing the issuance of \$752,000.00 special road bonds of said county, and levying a tax in payment thereof; ratifying and validating the petition for such election, the order calling such election and notices thereof, and all other orders passed by the commissioners' court of said county in respect thereto, including the order declaring result of such election and the order authorizing the issuance of such bonds and levying a tax in payment thereof; authorizing the commissioners' court and proper officers of Guadalupe County to complete the issuance of such bonds, etc., and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 443 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Price.
Berkeley.	Real.
Bowers.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.
Neal.	Bledsoe.
Parr.	Pollard.

Absent.

Floyd.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Neal.	Wood.
Parr.	

Absent.

Floyd.	Witt.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Fairchild.

Senate Bill No. 412.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 412, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments named herein for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

The bill was read second time.

Senator Wood sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 412, page 1, by inserting between lines 27 and 28, under the head of Agricultural and Mechanical College, the following:

"For use of the Agricultural and Mechanical College at any place within this State, through its experimental station system or otherwise, in connection with root rot investigation and control or in connection with investigation and research relative to any agricultural product in this State, \$35,000.00."

The amendment was read and adopted.

Amendment No. 2.

Amend S. B. No. 412, page 1, by inserting after line 32, under the head of Agricultural and Mechanical College, the following:

"For use of Agricultural and Mechanical College at any place in this State, through its experimental station system or otherwise, in connection with flea hopper investigation and control or investigation and research relative to any other destructive insect or pest, \$15,000.00."

The amendment was read and adopted.

Amendment No. 3.

Amend S. B. No. 412, page 5, line 18, by striking out the words "February" and "March."

The amendment was read and adopted.

Amendment No. 4.

Amend S. B. No. 412, page 5, line 20, by striking out the figures, "7,583.24" and insert in lieu thereof the figures "5,416.60."

The amendment was read and adopted.

Amendment No. 5.

Amend S. B. No. 412, page 5, line 21, by striking out the words "February" and "March."

The amendment was read and adopted.

Amendment No. 6.

Amend S. B. No. 412, page 5, line 22, by striking out the figures "2,100.00" and inserting in lieu thereof the figures "1,500.00."

The amendment was read and adopted.

Amendment No. 7.

Amend S. B. No. 412, page 5, by inserting between the lines 22 and 23 the following:

"Salary of one stenographer from February 12 to March 31, at \$150.00 per month, \$235.00."

The amendment was read and adopted.

Amendment No. 8.

Amend S. B. No. 412, page 5, by adding after line 31, the following:

"District Judge's Salary. Salary of district judge of the 99th Judicial District for March, April, May, June, July, and August, 1927, \$2,000.00."

The amendment was read and adopted.

Amendment No. 9.

Amend S. B. No. 412, page 8, by inserting between lines 21 and 22, under the head of Secretary of State, the following:

"To employ a person for one month to separate, classify, and file papers and data in connection with pardons and executive clemency and applications for same, \$125.00."

The amendment was read and adopted.

Amendment No. 10.

Amend S. B. No. 412, page 8, by inserting between lines 24 and 25, under the head of Secretary of State, the following:

"All the unexpended balance of the \$1,000.00 appropriation to be found on page 544, General Laws, Regular Session, Thirty-ninth Legislature for administrative expense, Blue Sky Division, for year ending Augst 31, 1927, is hereby transferred and appropriated for use by the Secretary of State to purchase filing cabinets, files, and equipment for properly indexing charters and to purchase typewriter and for contingent expense."

The amendment was read and adopted.

Amendment No. 11.

Amend S. B. No. 412, page 8, by inserting between lines 24 and 25, under the head of Secretary of State, the following:

"To employ a person or persons to prepare for the printer and compare the proof of the printer with the ori-

ginals, the session laws enacted by the Legislature and to do any and all things necessary to be done by the Secretary of State in reference to the printing of such laws, \$500.00."

The amendment was read and adopted.

Amendment No. 12.

Amend S. B. No. 412, page 10, by inserting between lines 3 and 4, the following:

"For enlargement of power house, new boiler and tunnel system, \$50,000.00."

The amendment was read and adopted.

Amendment No. 13.

Amend S. B. No. 412, page 10, by inserting between lines 15 and 16, the following:

"For extension of sewer and construction of sewerage disposal plants
\$7,600.00"

The amendment was read and adopted.

Amendment No. 14.

Amend S. B. No. 412, page 10, by inserting between lines 22 and 23, the following:

Tuberculosis Sanitorium.

"For elevator equipment for hospital \$15,000.00"
The amendment was read and adopted.

Amendment No. 15.

Amend S. B. N. 412, page 6, by inserting between lines 13 and 14, the following:

AGRICULTURAL DEPARTMENT.

Horticultural Division.

Salary of one plant Pathologist from March 1st to August 31st, 1927, at \$175.00 per month.....\$1,050.00
One Nursery Inspector at \$150.00 per month from March 1st, to August 31st, 1927 900.00
Three pecan experts from March 1st to August 31st 1927, at \$150.00 per month 2,700.00
Citrus canker eradication.... 7,500.00

Division of Weights and Measures.

Two inspectors of Weights and Measures from March 1 to August 31, 1927, at \$125.00 per month 1,500.00

Division of Entomology

Pink boll worm eradication 4,000.00
The amendment was read.

Senator Bailey sent up the following amendment:

Amendment No. 16, S. B. No. 412.

Amend the amendment No. 15, to S. B. No. 412 by adding after the words "Two Inspectors of Weights and Measures \$1,500.00," the following:

One truck, 3½ ton capacity 4,750.00

8,000 lbs. Test Weights.... 500.00

To exchange two old cars for new cars and pay the difference 1,500.00

The amendment was read and adopted.

Amendment No. 15 as amended was adopted.

Senator Witt sent up the following amendment:

Amendment No. 16, S. B. No. 412.

Amend S. B. No. 412, page 9, by adding between lines 24 and 25 another line and renumbering the following:

"Departmental Maintenance..\$5,000"

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 412 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Love.
Berkeley.	Miller.
Biedsoe.	Moore.
Bowers.	Neal.
Floyd.	Parr.
Greer.	Pollard.
Hall.	Price.
Hardin.	Real.
Holbrook.	Russek.
Lewis.	Smith.

Stuart.	Wirtz.
Triplett.	Witt.
Ward.	Wood.
Westbrook.	Woodward.

Present—not Voting.

Reid.

Absent.

McFarlane.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Stuart.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Present—Not Voting.

Reid.

Absent—Excused.

Fairchild.

Senate Bill No. 146.

The Chair laid before the Senate as special order the following bill:

S. B. No. 146, A bill to be entitled "An Act to define and to regulate the practice of Cosmetic-Therapy in the State of Texas, and defining Cosmetic-Therapy establishments; providing for the creation of the State Board of Examiners of Cosmetic-Therapy; etc., and declaring an emergency."

The bill was read second time and laid on the table subject to call.

Senate Bill No. 443.

Senator Holbrook received unanimous consent to take up out of its order the following bill:

S. B. No. 434, A bill to be entitled "An Act to repeal Chapter 63, special law passed by the Thirty-third Legislature, and to repeal Chapter 98, special law passed by the Thirtieth Legislature, being special road laws,

and amendments thereto for Brazoria County, and declaring an emergency."

The committee report was adopted.

The bill was read second time, and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. 434 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent—Excused.

Fairchild.

Senate Joint Resolution No. 4.

The Chair laid before the Senate on the calendar the following bill:

C. S. S. J. R. Nos. 4, 9, 10, 12, A Joint Resolution "Proposing an amendment to the State Constitution repealing any and

all provisions in the Constitution of Texas fixing or limiting the compensation or expenses of the Governor, the Lieutenant Governor, the Attorney General, members of the Legislature, the State Treasurer, the Secretary of State, the Comptroller of Public Accounts, or the Commissioner of the General Land Office, and providing that hereafter said officers shall receive such compensation and expenses as may be provided by law."

The bill was read and passed to engrossment.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Nays—1.

Holbrook.

Absent.

Bowers.	Stuart.
Hardin.	Westbrook.

Absent—Excused.

Fairchild.

Senate Bill No. 255.

Senator Witt received unanimous consent to take up the following bill:

S. B. No. 255, A bill to be entitled "An Act amending Article 8309, Revised Civil Statutes of 1925, being Part 4 of the Workmens' Compensation Law, by adding thereto an additional section, to be entitled Section 6, said additional section providing that municipal corporations within this State, whether organized under general or special law, shall be entitled, as employers of labor, to become subscribers under the terms and provisions of the Workmen's Compensation Law, and to take out insurance for the purpose of securing the payment of Workmen's compensation to their employees in the same way and to the same effect as

in the case of private corporations, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 255 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Neal.	Woodward.

Absent.

Bowers.	Price.
Moore.	Stuart.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.

Absent.

Moore.	Real.
Parr.	Stuart.

Absent—Excused.

Fairchild.

Senate Bill No. 185.

The Chair laid before the Senate on the calendar the following bill:
S. B. No. 185, A bill to be entitled

"An Act authorizing and directing the Secretary of State to exchange Court Reports, Session Acts, and other publications of the State for like publications of the other states and of the United States, and of foreign countries, for the benefit of the law library of the University of Texas, and declaring an emergency."

House Bill No. 246.

The Chair laid before the Senate under rules the following House bill on the same subject as S. B. No. 185:

H. B. No. 246. A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange court reports, session acts and other publications of other states and of the United States and of foreign countries for the benefit of the Law Library of the University of Texas, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Berkley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 246 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Moore.

Absent—Excused.

McFarlane.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Floyd.	Lewis.

Love.
McFarlane.
Miller.
Neal.
Parr.
Pollard.
Price.
Real.
Reid.
Russek.

Smith.
Stuart.
Triplett.
Ward.
Westbrook.
Wirtz.
Witt.
Wood.
Woodward.

Absent.

Moore.

Absent—Excused.

Fairchild.

Senate Bill No. 410.

Senator Bailey received unanimous consent to take up out of its regular order the following bill:

S. B. No. 410, A bill to be entitled "An Act providing that negotiable instruments shall not be rendered non-negotiable by reason of the execution or contents of any other paper creating a lien or other right, securing such negotiable instrument, or by reason of any reference in the negotiable instrument to such other paper, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 410 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Floyd.	Pollard.
Greer.	Price.
Hall.	Reid.
Hardin.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Real. Stuart.

Absent—Excused.

Fairchild.

Messages from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 359, A bill to be entitled "An Act repealing Article 7067 of the Revised Civil Statutes of Texas, 1925, imposing an occupation tax on any individual, company, corporation or association owning, operating or controlling any interurban, trolley, traction, or electric street railway in this State and charging for transportation of said railway, and providing for the payment of a franchise tax by such individual, company, corporation, or association, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 411, A bill to be entitled "An Act to create a more efficient road system for San Saba county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective

precincts and prescribing their duties as such; and providing for the compensation of road commissioners; defining the duties of the commissioners' court with reference to the roads and bridges; providing for the appointment of overseers and defining their duties, and providing for compensation for certain labors; providing penalties for violation of the provisions of this act; giving persons subject to road duty in San Saba county and persons summoned to work on the public roads of said county, the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting for and the disposition to be made of the money so paid; limiting the purpose for which road and bridge funds shall be used; authorizing and providing for the working of county convicts upon the public roads, and providing for the payment of officers' fees; providing that delinquent poll tax payers shall be subject to three days duty; requiring the tax collector of San Saba county to furnish to the commissioners' court a list of all persons who fail to pay their poll tax; providing for the condemnation of any land needed for the widening of public roads; providing for the taking of timber, gravel, earth, stone or other material for the making or improving of public roads and bridges; requiring certain road and bridge work to be done by contract; authorizing and empowering the said San Saba county to issue bonds for the construction and maintenance of public roads and bridges within said county, and provide for a tax to create a sinking fund to pay the same; providing that this act shall control in San Saba county in all cases wherein it differs from or is inconsistent and conflicts with the general law on the subject of roads and bridges, and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act to amend Article 5525 of the Revised Civil Statutes of the State of Texas, 1925, by providing for the survival of a cause of action for injuries in case of the death of the injured person."

H. B. No. 448, A bill to be entitled "An Act to amend Articles 1377 and 1378, Penal Code of Texas, 1925,

repealing all laws and parts of laws in conflict with this act and declaring an emergency."

H. J. R. No. 20, Proposing an amendment to Section 2, Article 8, of the Constitution of the State, so as to authorize the Legislature to exempt from taxation any property owned by a church, or by a strictly religious society devoted exclusively to use as a dwelling place for the ministry of such church or religious society, providing for an election upon such proposed constitutional amendment, and making an appropriation therefor.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution

S. C. R. No. 26—Inviting Honorable Claude G. Bowers to address the Legislature April 13, 1927.

H. C. R. No. 30—Recalling H. B. No. 16 from the Governor for further consideration.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Special Order.

On motion of Senator Wood, Senate Bills 398 and 399 were set as special order at 2 o'clock this afternoon.

Senate Bill No. 397.

Senator Wood moved to make S. B. No. 397 special order for Wednesday immediately after the morning call.

On motion of Senator Wirtz, the motion was tabled.

Senate Bill No. 249.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 249, A bill to be entitled "An Act to amend Articles 1020, 1029, 1030, 1032 and 1040 of the Code of Criminal Procedure of 1925, fixing the fees of district attorneys, county attorneys, county judges, sheriffs, justices of the peace in examining trials in felony cases and

fixing fees allowed sheriffs and constables in felony cases for executing all criminal process after indictment is returned; for summoning a jury; for removing or conveying prisoners; for attaching and conveying out of county witnesses; for attending prisoner or prisoners on habeas corpus; providing the means and manner of making returns and accounts on and for criminal process in felony cases; for conveying juveniles to training school; for the safe keeping, support and maintenance of prisoners confined in jail or under guard; authorizing the commissioners' court to furnish one or more automobiles to sheriff upon his sworn written application therefor; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Wirtz sent up the following amendment:

Amendment No. 1, S. B. No. 249.

Amend committee amendment No. 2 by adding after the words "per day" wherever they occur the words "of 24 hours."

The amendment was read and adopted.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 249 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.

Nays—1.

Pollard.

Absent.

Moore. Price.

Neal.

Absent—Excused.

Fairchild.

Senate Bill No. 442.

Senator Bledsoe received unanimous consent to take up out of its regular order the following bill:

S. B. No. 442, A bill to be entitled "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet county, by adding thereto a Section 2a, authorizing the commissioners' court of Burnet county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 442 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Hardin.
Berkeley.	Holbrook.
Bledsoe.	Lewis.
Bowers.	Love.
Floyd.	McFarlane.
Greer.	Miller.
Hall.	Moore.

Neal.	Stuart.
Parr.	Triplett.
Pollard.	Ward.
Price.	Westbrook.
Real.	Wirtz.
Reid.	Witt.
Russek.	Wood.
Smith.	Woodward.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent—Excused.

Fairchild.

Senate Bill No. 239.

Senator Hall received unanimous consent to take up out of its regular order the following bill:

S. B. No. 239, A bill to be entitled "An Act to provide for the care of delinquent colored girls; providing for the establishment and maintenance of a State training school for such girls; providing for its location control and management; authorizing the raising of funds for such purpose and making appropriation to carry out the purposes of the Act; providing for and authorizing donations from private sources and from counties and cities for such school, and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 239 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 382.

Senator Ward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 382, A bill to be entitled "An Act amending Article 3386 of the Revised Civil Statutes of 1925 authorizing the payment of the costs of bonds of executors and administrators mentioned in said article out of the estate being administered; and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was read.

Senator Bledsoe moved to lay the bill on the table subject to call. The motion was lost by the following vote:

Yeas—11.

Bledsoe.	Smith.
Lewis.	Stuart.
McFarlane.	Triplett.
Moore.	Wood.
Parr.	Woodward.
Reid.	

Nays—15.

Bailey.	Love.
Berkeley.	Pollard.
Bowers.	Price.
Floyd.	Ward.
Greer.	Westbrook.
Hall.	Wirtz.
Hardin.	Witt.
Holbrook.	

Absent—Excused.

Fairchild.	Real.
Miller.	Russek.
Neal.	

Senator Bledsoe sent up the following amendment:

Amendment No. 1, S. B. No. 382.

Amend S. B. No. 382 as amended by adding at the end of line 25, page 2, the following:

"In which event said estate may be responsible for the difference in the amount paid as said commissions for said bond and those due to said administrator as such."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 382 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Real.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 394.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 394, A bill to be entitled "An Act to increase and fix the salary of the Superintendent of Public Instruction in all counties having 210,000 population or more according to the last preceding Federal census; providing for office expenses, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 394 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Real.	Wirtz.
Stuart.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Real.	Wirtz.
Stuart.	

Absent—Excused.

Fairchild.

Senate Bill No. 378.

Senator Westbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 378, A bill to be entitled "An Act amending Article 6640 of the Revised Civil Statutes of 1925 requiring his pendens notices to be

filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same; etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill as amended was passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 378 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Wirtz.
Neal.	Wood.
Parr.	Woodward.

Present—not Voting.

Bailey.	Lewis.
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Absent.

Bledsoe.	Real.
Miller.	Witt.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 338.

Senator Parr received unanimous consent to take up out of its regular order the following bill:

S. B. No. 338, A bill to be entitled "An Act to amend Chapter 2, of Title 128, of the Revised Statutes of 1925, relating to water improvement districts by providing that lands in any such district which are not susceptible of irrigation by gravity from the existing system of canals and laterals, or which the owners thereof no longer desire to irrigate from such system, or which for other reasons, should be withdrawn from such

district, may be discontinued as part of such district; providing that the board of directors may pass resolutions excluding such territory etc."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 338 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Real. Wirtz.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Real. Wirtz.

Absent—Excused.

Fairchild.

Senate Bill No. 358.

Senator Pollard moved to reconsider the vote by which the Senate failed to engross S. B. No. 358 and to spread the motion on the Journal.

Recess.

On motion of Senator Witt, the Senate at 12:05 o'clock recessed until 3 o'clock p. m.

After Recess.

The Senate was called to order at 3 o'clock p. m., pursuant to recess, by Lieutenant Governor Miller.

House Bills Read and Referred.

After their captions had been read the following bills were referred:

H. B. No. 359, read and referred to Committee on State Affairs.

Senate Bill No. 376.

Senator Bowers received unanimous consent to take up out of its regular order the following bill:

S. B. No. 376, A bill to be entitled "An Act amending Article 2791 of the Revised Civil Statutes of 1925 so as to reduce the amount of bond that is required to be given by the tax assessor and collector of independent school districts affected by said article, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 431.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 431, A bill to be entitled "An Act to extend Oil and Gas Permit Number 10199 covering about 243 acres in the bed of the San Bernard River, issued on December 11, 1925, such extension to be for a period of two years from the present date of expiration of said Permit, and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

Senate Bill No. 432.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 432, A bill to be entitled "An Act to extend Oil and Gas Permit Number 9892 covering about 540 acres in the Bed of the San Bernard River, issued on September 22, 1925, such extension to be for a

period of two years from the present date of expiration of said Permit and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

Senate Bill No. 269.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 269, A bill to be entitled "An Act to amend Article 4619, of the Revised Civil Statutes of the State of Texas, 1925, relating to community property, and the disposition thereof, so as to provide for the control, management and disposition of community property by the wife, when the husband has disappeared and his whereabouts is unknown to the wife for more than six months, and validating conveyances and other transactions of the wife concerning community property heretofore made under such circumstances, and providing the method and procedure for making proof of the existence of the facts necessary to give her such right of control, management and disposition, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 236.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 236, A bill to be entitled "An Act prescribing the rule of law as to the effect and legal import as affecting creditors and others of filing chattel mortgages or transfers of same, or true copies thereof in the office of the county clerk, as provided by law, properly defining the word 'creditors' as used in this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill No. 328.

Senator Price received unanimous consent to take up out of its regular order the following bill:

S. B. No. 328, A bill to be entitled "An Act to amend Article 879, of the Penal Code of Texas, 1925, so as to provide that the open season for

wild quail in the north zone shall be changed from the period of November 16 to the following January 1, to the period of December 15 to the following February 1."

The bill was read second time.

The committee report carrying amendments was lost.

Senators Wood and Price sent up the following amendment:

Amendment No. 1 to S. B. No. 328.

Amend S. B. No. 328, page 1, lines 26 and 27 by striking out the language "December 15 to the following February 1.", and insert in lieu thereof "December 1 to the following January 15."

The amendment was read and adopted.

Senator Price sent up the following amendment:

Amendment No. 2 to S. B. No. 328.

Amend S. B. No. 328, page 1, lines 11 and 12 by striking out the following language "December 15 to the following February 1.", and insert in lieu thereof "December 1 to the following January 15."

The amendment was read and adopted.

The bill was passed to engrossment.

Call of the Senate.

On motion of Senator Hall, a call of the Senate was ordered. The following were present:

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Westbrook.
Lewis.	Wood.
Love.	Woodward.
Miller.	

Absent.

Floyd.	Russek.
McFarlane.	Ward.
Moore.	Wirtz.
Parry.	Witt.
Real.	

Absent—Excused.

Fairchild.

On motion of Senator Hall, the Sergeant-at-Arms was instructed by the Chair to bring in the absentees.

Senate Bill No. 431.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 431 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Floyd.	Wirtz.
Russek.	Witt.
Ward.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

Senate Bill No. 432.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 432 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

Senate Bill No. 376.

On motion of Senator Bowers, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 376 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Floyd.	Lewis.

Love.	Reid.
McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 236.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 236 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Witt.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 269.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 269 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Floyd.	Pollard.
Greer.	Price.
Hall.	Real.
Hardin.	Reid.
Holbrook.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Hall.	Reid.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Present—Not Voting.

Bailey.

Absent.

Greer.	Wirtz.
Russek.	

Absent—Excused.

Fairchild.

Senate Bill No. 273.

Senator Stuart received unanimous consent to take up out of its regular order the following bill:

S. B. No. 273, A bill to be entitled, "An Act to prescribe who may be licensed as agent of any insurance company or association or other insurance carrier, engaged in the business in Texas of insurance of any kind other than life; authorizing the Commissioner of Insurance to issue licenses to persons entitled thereto, etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 273 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Greer.	Wirtz.
Russek.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 454.

Senator Bledsoe received unanimous consent to take up out of its regular order the following bill:

S. B. No. 454, A bill to be entitled "An Act validating the City of Sudan, Lamb County, Texas, incorporated under the General Laws of Texas at an election held on the 28th day of September 1925 under the provisions of Chapter 15, Title 22, Revised Civil Statutes of 1911, as amended by Chapter 21 Acts of 1913, Regular Session, as amended by Chapter 60 Acts of the Regular Session."

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 454 put on its second reading and final passage, by the following vote:

Yeas—28.

Bailey.	Floyd.
Berkeley.	Greer.
Bledsoe.	Hall.
Bowers.	Hardin.

Holbrook.	Real.
Lewis.	Reid.
Love.	Smith.
McFarlane.	Stuart.
Miller.	Triplett.
Moore.	Ward.
Neal.	Westbrook.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read second time.

On motion of Senator Bledsoe, the Senate rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 454 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
McFarlane.	Ward.
Love.	Westbrook.
Lewis.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Floyd.	Lewis.

Love.	Reid.
McFarlane.	Smith.
Miller.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.
Real.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

Senate Bill No. 300.

Senator Parr received unanimous consent to take up out of its regular order the following bill:

S. B. No. 300, A bill to be entitled "An Act to authorize the board of directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station, etc."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 300 put on its third reading and final passage, by the following vote:

Yeas—27.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Greer.	Wirtz.
Russek.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 318.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 318, A bill to be entitled "An Act to amend Article 6819 of the Revised Civil Statutes of Texas, 1925, fixing the compensation of the reporter of the Court of Criminal Appeals, of Texas, and declaring an emergency."

Senator McFarlane sent up the following amendment:

Amendment No. 1, S. B. No. 318.

Amend S. B. No. 318, line 14, page 1, by striking out the word five and insert in lieu thereof the word "four."

The amendment was adopted by the following vote:

Yeas—17.

Bledsoe.	Neal.
Bowers.	Pollard.
Floyd.	Price.
Greer.	Stuart.
Hardin.	Triplett.
Lewis.	Westbrook.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Nays—9.

Berkeley.	Real.
Hall.	Reid.
Holbrook.	Ward.
Love.	Wood.
Parr.	

Absent.

Bailey.	Smith.
Russek.	Wirtz.

Absent—Excused.

Fairchild.

The bill was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 318 put on its third reading and final passage, by the following vote:

Yeas—26.

Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bailey. Russek.
Floyd. Wirtz.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Pollard.
Bowers.	Price.
Greer.	Real.
Hall.	Reid.
Hardin.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—2.

Bledsoe. Holbrook.

Absent.

Bailey. Russek.
Floyd. Smith.

Absent—Excused.

Fairchild.

S. C. R. No. 19.

Senator Woodward received unanimous consent to take up out of its regular order S. C. R. No. 19, establishing a department of dentistry in the Medical College.

The resolution was read and adopted.

Senate Bill No. 398.

The Chair laid before the Senate as special order the following bill:

S. B. No. 398, A bill to be entitled "An Act to amend Article 816, Chapter 1, Title 39, Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read second time.

Senator Wood sent up the following amendment:

Amend Senate Bill No. 398 by adding Section 2, which Section shall read as follows:

"Section 2. The fact that under our present laws the Courts of Civil Appeals are in vacation during approximately three months of the year,

and no judge of said court is then available to pass on petitions for mandamus, or other emergency matters before said court, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in effect from and after its passage; and it is so enacted."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 398 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Russek.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

H. C. R. No. 30.

The Chair laid before the Senate, on first reading, H. C. R. No. 30, recalling H. B. No. 16 from the Governor for further consideration.

The resolution was adopted.

House Bills Read and Referred.

After their captions had been read, the following bills were referred:

H. B. No. 411 read and referred to Committee on Highways and Motor Traffic.

H. B. No. 516 read and referred to Committee on Civil Jurisprudence.

H. B. No. 448 read and referred to Committee on Banks and Banking.

H. J. R. No. 20 read and referred to Committee on Constitutional Amendments.

Senate Bill No. 399.

The Chair laid before the Senate as special order the following bill:

S. B. No. 399, A bill to be entitled "An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read second time.

Senator Wood sent up the following amendment:

Amendment No. 1, S. B. No. 399.

Amend Senate Bill No. 399 by adding at the end of Section 1, line 23, page 2, the following:

"The court of civil appeals to which cases are ordered transferred shall not be required to visit or sit at the place from which said cases are transferred more than once during each regular term of the court; and all cases transferred from any court must be submitted at one sitting of the visiting court or submitted at the regular place of sitting of the court to which said cases are transferred.

The amendment was read and adopted.

Senator Wood sent up the following amendment:

Amendment No. 2, S. B. No. 399.

Amend Senate Bill No. 399 by adding Section 2, to read as follows:

"Section 2. The fact that litigants and their attorneys are required to travel long distances to submit cases transferred from one court to another creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in effect from and after its passage; and it is so enacted.

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 399 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Russek.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 176.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 176, A bill to be entitled "An Act amending Article 3883a of the Revised Civil Statutes of 1925, the same being Article 3883 as contained in Chapter 32 General Laws of the Regular Session of the Thirty-ninth Legislature, relating to maximum fees of certain officers governed by what is known as the fee bill, so as to fix the maximum of such officers according to the last United States Census instead of the census of 1910, and declaring an emergency."

The bill was read third time and passed finally.

Senate Bill No. 211.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 211, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in Texas Public Schools; providing for the certification of

teachers of physical education; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical education instruction in the public schools."

The bill was read third time.

Senator Pollard sent up the following amendment:

Amendment No. 1, S. B. No. 211.

Amend S. B. No. 211 by striking out Sections 2 and 3.

The amendment was read and lost by the following vote:

Yeas—4.

Floyd.	Pollard.
Miller.	Parr.

Nays—21.

Berkeley.	Real.
Bledsoe.	Reid.
Bowers.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Price.	

Present—Not Voting.

Wirtz.

Absent.

Bailey.	Hardin.
Greer.	Russek.

Absent—Excused.

Fairchild.

Senator Pollard moved to indefinitely postpone the further consideration of this bill. Senator Witt moved to table the motion. The motion to table prevailed.

S. B. No. 211 was passed finally.

Senate Bill No. 242.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 242, A bill to be entitled "An Act providing for the regulation of automobile insurance by the Commissioner of Insurance; providing a penalty for the violation of the provisions thereof, and declaring an emergency."

The bill was read third time and passed finally.

S. J. R. No. 27.

The Chair laid before the Senate the following resolution:

S. J. R. No. 27, A joint resolution "Proposing an amendment to the State Constitution providing that the permanent university fund shall be invested in bonds of the State of Texas, United States bonds, or bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States, July 17, 1916, and amendments thereto."

The resolution was read second time.

The committee report carrying amendments was adopted.

The resolution was passed to engrossment.

Senate Bill No. 402.

Senator Berkeley received unanimous consent to take up out of its regular order the following bill:

S. B. No. 402, A bill to be entitled "An Act to amend Article 5394, of the Revised Civil Statutes, 1925, so as to require the drilling of wells upon land awarded to the owner for development of mineral bearing deposits, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 402 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.	Wirtz.
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Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Bill Signed.

After its caption had been read, the Chair signed in the presence of the Senate H. B. No. 246.

Senate Bill No. 457.

Senator Holbrook received unanimous consent to take up out of its order the following bill:

S. B. No. 457, A bill to be entitled "An Act authorizing any county in this State upon a vote of two-thirds majority of the resident property tax payers voting thereon, in addition to all other debts, to issue bonds or warrants, or otherwise lend its credit in an amount not to exceed one-fourth of the assessed valuation of the real property of such county for the purpose of navigation or in aid thereof; providing for the holding of elections for such purpose, the returns of election; the declaration of the result; the issuance of bonds or warrants and the levy of taxes for the payment thereof; giving the right of eminent domain; the right to cooperate with the United States Government for the purposes thereof, and to transfer to the United States Government, right-of-way and necessary dumping privileges, for navigation purposes, or in aid thereof, and repealing Senate Bill No. 227 passed by the Fortieth Legislature at its Regular Session, and declaring an emergency."

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 457 was put on its second reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent.

Russek.

Wirtz.

Absent—Excused.

Fairchild.

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 457 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Price.
Bowers.	Real.
Floyd.	Reid.
Greer.	Stuart.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Miller.	Pollard.
Moore.	Woodward.

Absent.

Russek.

Wirtz.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Berkeley.	Real.
Bowers.	Reid.
Floyd.	Smith.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Bledsoe.
Neal.	Pollard.
Parr.	Woodward.
Price.	

Absent.

Bailey. Russek.
Greer. Wirtz.
Hardin.

Absent—Excused.

Fairchild.

Message from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, March 1, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons as notaries public of the respective counties listed below. These are presented for appointment under authority of Senate Bill No. 29 of the Fortieth Legislature:

Collin County.

W. D. Ready, McKinney, Texas.

Bosque County.

T. G. Nowlin, Valley Mills, Texas.

Erath County.

Helen Chandler, Stephenville, Texas.

Grayson County.

A. M. Brenneke, Denison, Texas.
G. S. Murphy, Sherman, Texas.
Hereschel Randle, Sherman, Texas.
S. W. Wylie, Denison, Texas.

Fannin County.

Bertha Maddrey, Bonham, Texas.
Sam E. Neilson, Bonham, Texas.

Cooke County.

Grace Ashlook, Gainesville, Texas.
J. T. Adams, Gainesville, Texas.
M. M. Andrews, Gainesville, Texas.
F. V. Bulcher, Gainesville, Texas.
Ruth Carter, Gainesville, Texas.
R. R. Cross, Gainesville, Texas.
Ada Dudley, Muenster, Texas.
Josie Harville, Leo, Texas.
Jewelle Johnson, Gainesville, Tex.
W. E. Purcell, Gainesville, Texas.
A. W. Pearson, Gainesville, Texas.
Leroy Porter, Myra, Texas.

W. F. Russel, Gainesville, Texas.
E. M. Thompson, Gainesville, Texas.

Respectfully submitted,
DAN MOODY,
Governor.

Executive Department,

Austin, Texas, March 1, 1927.

To the Honorable Senate of the State of Texas.

With your advice and consent I desire to appoint Hon. H. D. Henderson of Forth Worth, Tarrant County, Texas, to be Public Weigher at Fort Worth, Texas. (Article 5682, requiring recommendation of applicant by the Senator and Representatives of his District, has been complied with.)

Respectfully submitted,
DAN MOODY,
Governor.

Recess.

On motion of Senator Woodward, the Senate, at 5:25 o'clock p. m., recessed until 1:30 o'clock p. m.

After Recess.

The Senate was called to order at 7:30 o'clock p. m. pursuant to recess by Lieutenant Governor Miller.

Senate Bill No. 350.

Senator Hall received unanimous consent to take up out of its regular order the following bill:

S. B. No. 350, A bill to be entitled "An Act to authorize the commissioners' courts of the various counties of the State of Texas, to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof."

The bill was read second time and passed to engrossment.

Senate Bill No. 251.

Senator Miller received the unanimous consent to take up out of its regular order the following bill:

S. B. No. 251, A bill to be entitled "An Act to amend Section 5a, of Article 8307, Part 2, of Title 130, Revised Civil Statutes of 1925, by providing that the right to accelerate maturity and collect a penalty and attorney's fees shall only apply to

awards for a definite or specific period of time, and declaring an emergency."

Senator Miller moved that the favorable minority report be adopted.

On motion of Senator Miller the bill was laid on the table subject to call.

House Bill No. 463.

Senator Greer received the unanimous consent to take up out of its regular order the following bill:

H. B. No. 463, A bill to be entitled "An Act providing for the classification of elementary and high schools by the county board of trustees; providing for free tuition for certain high school students; repealing Article 2678, Revised Statutes, 1925, and all other laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was read second time.

Senator Greer sent up the following amendment:

Amendment No. 1, H. B. No. 463.

Amend H. B. No. 463 by striking out Section 2 thereof and renumbering succeeding sections.

The amendment was read and adopted.

Senator Greer sent up the following amendment:

Amend the Caption to conform with the bill as amended.

The amendment was read and adopted.

The bill as amended was passed to a third reading.

Senate Bill No. 250.

Senator Holbrook called up from the table the following bill:

S. B. No. 250, A bill to be entitled "An Act empowering the State Highway Commission to adopt safety devices to be erected at railroad and interurban crossings and to contract for same; to advertise for the submission of such devices and upon hearings had to designate same; providing for the nature and character of such safety device; that the engineer of the Railroad Commission shall assist the State Highway Commission in the selection of such device; designating the kind and character of contract to be entered into and defining the powers, rights, and

duties of the State Highway Commission relative thereto; providing that said safety devices shall be erected without cost or expense to the State upon such terms, stipulations, and conditions as the State Highway Commission may deem best; providing for an easement upon that part of the highway road bed used and occupied by said devices, and declaring an emergency."

The bill was read second time.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 250 by adding after the words: "erected" in line 16, page 1, of the Caption, the following: "with or."

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 250 put on its third reading and final passage, by the following vote:

Yeas—21.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Stuart.
McFarlane.	Westbrook.
Moore.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 456.

Senator Price received unanimous consent to take up out of its regular order the following bill:

S. B. No. 456, A bill to be entitled "An Act to amend Article 198 of the Revised Civil Statutes of Texas, 1925, so as to remove the counties of Wood

and Van Zandt from the Fifth Supreme Judicial District and place them in the Sixth Supreme Judicial District."

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 456 put on its second reading and final passage, by the following vote:

Yeas—21.

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Wirtz.
Love.	Witt.
Miller.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Stuart.
McFarlane.	Westbrook.
Moore.	

Absent—Excused.

Fairchild.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 456 put on its third reading and final passage, by the following vote:

Yeas—22.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Stuart.
Moore.	Westbrook.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas 23.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Parr.	

Absent.

Bowers.	Russek.
Floyd.	Stuart.
Hardin.	Westbrook.
Neal.	

Absent—Excused.

Fairchild.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 31, requesting the return of House Bill No. 316 to the House for further consideration.

Hall of the House of Representatives,
Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 64, A bill to be entitled "An Act amending Article 834 of the Penal Code of the State of Texas, making it a penal offense for any per-

son to cause, encourage or contribute to the delinquency of any minor under the age of seventeen years, and declaring an emergency."

H. B. No. 87. A bill to be entitled "An Act enabling cities and incorporated villages to pass zoning regulations; granting full power to said cities and incorporated villages; providing for the creation of districts; declaring purposes in view; providing for the method of procedure; providing for certain changes; providing for a commission; providing for a board of adjustment; providing for its powers and duties; providing certain methods of enforcement and remedies; providing the method to be followed in case of conflict with other laws; providing for the validity for all parts of the laws not declared unconstitutional, and, declaring an emergency."

Respectfully submitted

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bill No. 463.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 463 put on its third reading and final passage, by the following vote:

Yeas—23.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Smith.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Parr.	

Absent.

Bowers.	Russek.
Floyd.	Stuart.
Hardin.	Westbrook.
Neal.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 253.

Senator Reid received unanimous consent to take up out of its regular order the following bill:

By Senator Reid:

S. B. No. 253 A bill to be entitled "An Act creating the Board of Insurance Commissioners, providing for the appointment of the members, terms of office and their duties, repealing conflicting statutes, and declaring an emergency."

The bill was read second time.

Senator Witt sent up the following amendment:

Amend Senate Bill No. 253, Section 5, Page 2 of the printed bill by striking from said Section the last sentence therein and substitute therefor the following:

"The duties heretofore placed upon and the powers and privileges heretofore exercised by the State Fire Marshal are now to be placed upon and exercised and enjoyed by the Fire Insurance Commissioner."

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend Senate Bill No. 253 by adding between Sections 6 and 7 a section to be known as "Section 6a" and to read as follows:

"Compensation to be paid the Commissioners shall be such sums as are provided for by the appropriation bills from time to time."

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend Senate Bill No. 253 in line 10, page 2 of the printed bill by striking out the word "licenses."

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Add after Section 6a the following section:

Section 6b. Nothing in this bill shall be construed to in any manner affect the duties now imposed by law on the Industrial Accident Board or to take from said board the performance of the duties now imposed on said board by law.

The amendment was read and adopted.

Senator Bailey moved that the further consideration of this bill be indefinitely postponed.

The motion was lost.

The bill was passed to engrossment.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 253 put on its third reading and final passage, by the following vote:

Yeas—17.

Berkeley.	Pollard.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Witt.
Moore.	Wood.
Parr.	

Nays—4.

Bailey.	Westbrook.
Holbrook.	Wirtz.

Absent.

Bowers.	Price.
Floyd.	Russek.
Hardin.	Ward.
Miller.	Woodward.
Neal.	

Absent—Excused.

Fairchild.

Senator Pollard moved to lay the bill on the table subject to call.

Senator Reid moved to table the motion. The motion to table prevailed by the following vote:

Yeas—12.

Greer.	Real.
Hall.	Reid.
Lewis.	Stuart.
Love.	Triplett.
Moore.	Witt.
Parr.	Wood.

Nays—11.

Bailey.	Price.
Berkeley.	Smith.
Bledsoe.	Westbrook.
Holbrook.	Wirtz.
McFarlane.	Woodward.
Pollard.	

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Ward.
Miller.	

Absent—Excused.

Fairchild.

Motion to Adjourn.

Senator Bailey moved that the Senate adjourn until 10 o'clock Wednesday morning.

The motion was lost by the following vote:

Yeas—7.

Bailey.	Parr.
Bledsoe.	Westbrook.
Holbrook.	Wirtz.
McFarlane.	

Nays—16.

Berkeley.	Real.
Greer.	Reid.
Hall.	Stuart.
Lewis.	Triplett.
Love.	Ward.
Moore.	Witt.
Pollard.	Wood.
Price.	Woodward.

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Smith.
Miller.	

Absent—Excused.

Fairchild.

Senate Bill No. 253.

The question recurred upon the final passage of S. B. No. 253.

On motion of Senator Pollard, S. B. No. 253 was made special order for Wednesday after the morning call.

Senate Bill No. 392.

Senator Parr moved to take up out of its regular order the following bill:

S. B. No. 392, A bill to be entitled "An Act to amend Article 3900, of the Revised Civil Statutes of Texas, of 1925, relating to reports of fees required to be made by certain officers, so as to provide that sheriffs shall not be required to make report of fees as provided in Article 3897, 3898 and 3899, of said Revised Statutes of 1925, or to keep the statement provided for in Article 3896 of said Revised Statutes of 1925, in those counties having a population of

fifty thousand inhabitants or less to be determined by the United States census of 1920, and repealing all laws in conflict herewith, and declaring an emergency."

The motion was lost by the following vote:

Yeas—8.

Berkeley.	Parr.
Bledsoe.	Stuart.
McFarlane.	Witt.
Moore.	Wood.

Nays—14.

Bailey.	Pollard.
Greer.	Price.
Hall.	Real.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.

Present—Not Voting.

Reid.

Absent.

Bowers.	Russek.
Floyd.	Smith.
Hardin.	Woodward.
Neal.	

Absent—Excused.

Fairchild.

House Concurrent Resolution No. 31.

The Chair laid before the Senate H. C. R. No. 31, recalling H. B. No. 316 for further consideration.

The resolution was adopted.

Senate Bill No. 196.

Senator Price received unanimous consent to take up out of its regular order the following bill:

S. B. No. 196, A bill to be entitled "An Act so as to provide that hereafter any person, firm or corporation that sustains injury to person or property by the negligent operation of any other motor vehicle by the owner thereof or by another with the owner's consent expressed or implied to operate it, shall have a lien on such motor vehicle to secure the payment of the damages sustained; providing further that no motor vehicle shall be exempt from sequestration, attachment, execution or any other species of forced sale as against any person, firm or corporation that

sustains injury from the negligent operation of such motor vehicle and that acquires the lien provided by the terms of this Act, etc., and declaring an emergency."

The bill was read second time.

Senator Bailey sent up the following amendment:

Amend the bill by striking out in line 27 on page one of the printed bill, the words "first and superior," and amend the caption thereof by striking out the same words in line 11 of the printed bill.

The amendment was read and adopted.

The bill passed to engrossment.

On motion of Senator Price, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 196 put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

House Bill No. 355.

On motion of Senator Love, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

H. B. No. 355, A bill to be entitled "An Act authorizing any city of more than 100,000 population to dis-annex for school purposes only, territory which is not within such city and has been annexed for school purposes, and prescribing the means and terms of such disannexation, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 355 put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Parr.	Woodward.

Absent.

Bowers.	Neal.
Floyd.	Russek.
Hardin.	Smith.

Absent—Excused.

Fairchild.

Senate Bill No. 383.

On motion of Senator Lewis, the regular order of business was suspended, and the Senate took up, out of its order the following bill:

S. B. No. 383, A bill to be entitled "An Act to amend Article 1021 of Chapter 2, of Title 15, of the Code of Criminal Procedure, Revised Criminal Statutes of Texas, so as to provide for the payment of twenty dollars per day for each day district attorneys in certain districts attend any session of any of the district courts in their respective districts, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 383 put on its third reading and final passage, by the following vote:

YEAS—23.

Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Bailey.	Neal.
Bowers.	Russek.
Floyd.	Smith.
Hardin.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally, by the following vote:

Yeas—23.

Berkeley.	Moore.
Bledsoe.	Parr.
Greer.	Pollard.
Hall.	Price.
Holbrook.	Real.
Lewis.	Reid.
Love.	Stuart.
McFarlane.	Triplett.
Miller.	Ward.

Westbrook.
Wirtz.
Witt.

Wood.
Woodward.

Absent.

Bailey.
Bowers.
Floyd.
Hardin.

Neal.
Russek.
Smith.

Absent—Excused.

Fairchild.

Senate Bill No. 336.

On motion of Senator Wood, the regular order of business was suspended, and the Senate took up, out of its order the following bill:

S. B. No. 336, A bill to be entitled "An Act to amend Article 5160, of the Civil Statutes of the State of Texas, Revision of 1925, requiring any person or persons, firm or corporation, entering into a formal contract with the State or its counties or subdivisions thereof, or any municipality therein for the construction of any public building or public work, to execute bonds with sureties, with obligation that contractors shall pay laborers and those furnishing materials for such buildings and public works; and providing more particularly what debts shall be secured by said bonds, and providing for filing such claims, under oath, with the contractor or with the county clerk, and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was read.

Senator Wirtz sent up the following amendment:

Amendment No. 1, S. B. No. 336.

Amend the committee amendment to S. B. No. 336 by striking out all after the comma on line 1, page 4 of the printed bill, and all of lines 3, 4 and 5.

The amendment was read and adopted.

The committee report as amended was adopted.

The bill was passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 336 put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Pollard.
Bledsoe.	Price.
Greer.	Real.
Hall.	Reid.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Bailey.	Hardin.
Bowers.	Russek.
Floyd.	Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 321.

On motion of Senator Moore, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 321, A bill to be entitled "An Act amending Article 6770 of the Revised Civil Statutes, 1925, said Article being a part of the laws of this State relating to roads, bridges, and ferries as to eliminate that part of said Article exempting Hunt County from Subdivision 4, Chapter 3, Title 116, of the Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and the bill was then passed to engrossment.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 321 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Moore.
Greer.	Neal.
Hall.	Parr.
Holbrook.	Pollard.
Lewis.	Price.
Love.	Real.

Reid.
Stuart.
Triplett.
Ward.
Westbrook.

Wirtz.
Witt.
Wood.
Woodward.

Absent.

Bowers.
Floyd.
Hardin.

Russek.
Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 277.

On motion of Senator Stuart, the regular order of business was suspended, and the Senate took up out of its order, the following bill

S. B. No. 277, A bill to be entitled "An Act to provide for the approval by municipal authorities before filing, and for filing and recordation of plans, plats or replats of land lying in or within five miles of the corporate limits of cities having a population of fifty thousand persons or over, according to the Federal Census of 1920, and of any subsequent Federal Census, etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 277 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.
Floyd.
Hardin.

Russek.
Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 207.

On motion of Senator Woodward, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 207, A bill to be entitled "An Act to amend Article 1722, Chapter 2, Title 37, of the Revised Civil Statutes of the State of Texas of 1925 so as to provide for the office of Marshal and Librarian of the Supreme Court and for Assistant Librarians; prescribing their duties and fixing their compensation; providing for things incidental to the purposes of the Act; and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was adopted.

The bill was passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 207 put on its third reading and final passage, by the following vote:

Yeas 25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.
Floyd.
Hardin.

Russek.
Smith.

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 319.

On motion of Senator Love, the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 319, A bill to be entitled "An Act providing that a person may be named as beneficiary in any policy issued by a legal reserve life insurance company on the life of another to whom he or she is related by affinity within the third degree or by consanguinity within the fourth degree, etc."

The bill was read second time and passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 319 put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Russek.
Floyd.	Smith.
Hardin.	

Absent—Excused.

Fairchild.

The bill was read third time and passed finally.

Senate Bill No. 358.

Senator McFarlane called up the motion spread on the Journal by Senator Pollard to reconsider the vote by which the Senate refused to engross the following bill:

S. B. No. 358, A bill to be entitled "An Act providing for a report and record of real estate sold for taxes and for the publication of same; prescribing the information and data that shall be included in connection therewith; prescribing the

duties of the sheriff or constable relative to making report of sales of real estate for taxes to the county clerk; providing for the removal from office of the county clerk, sheriff or constable violating or failing to comply with the provisions of this Act; providing for all matters and things incidental to said purposes; and declaring an emergency."

Senator Bailey moved to table the motion. The motion was lost by the following vote:

Yeas—7.

Bailey.	Price.
Greer.	Triplett.
Holbrook.	Ward.
Miller.	

Nays—16.

Berkeley.	Parr.
Bledsoe.	Pollard.
Hall.	Real.
Lewis.	Reid.
Love.	Stuart.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Bowers.	Smith.
Floyd.	Westbrook.
Hardin.	Wirtz.
Russek.	

Absent—Excused.

Fairchild.

The motion to reconsider prevailed.

Senator Bailey made the point of no quorum. The roll call was ordered with the following results:

Present—21.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Greer.	Reid.
Hall.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Russek.
Floyd.	Smith.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Miller.	

Absent—Excused.

Fairchild.

Bills Laid on Table Subject to Call.

On motion of Senator Woodward, S. B. No. 97 and S. B. No. 99 were laid on the table subject to call.

House Bills Read and Referred.

After their captions had been read, the following House Bills were read and referred:

H. B. No. 64, referred to Committee on Criminal Jurisprudence.

H. B. No. 87, referred to Committee on Internal Improvements.

Adjournment.

Senator Bailey raised the point of no quorum. The roll call was ordered with the following results:

Bailey.	Price.
Berkeley.	Real.
Bledsoe.	Reid.
Hall.	Triplett.
Lewis.	Ward.
Love.	Witt.
McFarlane.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bowers.	Pollard.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Stuart.
Holbrook.	Westbrook.
Miller.	Wirtz.
Moore.	

Absent—Excused.

Fairchild.

On motion of Senator Wood, the Senate at 10:00 o'clock p. m., adjourned until 10:00 o'clock a. m., Wednesday.

APPENDIX.

Petitions and Memorials.

San Angelo, Texas, Feb. 28, 1927.
The Honorable State Senate:

Austin, Texas.

I want to protest against bill to order an election calculated to burden ranchmen and farmers in Tom Green County with building railroads to help city trade, the whole principle is wrong and unjust.

T. J. CLEGG.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, Feb. 29, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 320 carefully examined and compared, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 4 carefully examined and compared, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 7 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, Feb. 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 153 carefully examined and compared, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 296 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 443 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 271 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 324 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 270 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 239 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 161 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 199 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 417 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 176 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 416 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 255 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 193 carefully examined and compared and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 434 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 380 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 216 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 442 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 211 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 285 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 303 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 432 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 375 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 116 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 414 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 298 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 382 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 410 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 317 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 290 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 378 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 252 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 338 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 269 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 394 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 236 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 454 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 328 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 398 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 376 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 300 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 318 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 402 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 399 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 431 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 273

carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 457 carefully examined and compared, and find the same correctly engrossed.
WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 387, A bill to be entitled "An Act enacting subdivision 7 of Article 543 of the Code of Criminal Procedure of 1925 so as to regulate and restrict the granting of continuances in criminal cases for the testimony of absent witnesses; providing that no new trial shall be granted and no case reversed where the testimony of absent witnesses may or can be reproduced."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 446, A bill to be entitled "An Act amending Article 402 of the Penal Code of 1925 so as to provide that any county judge in this State who shall practice or offer or attempt to practice as an attorney at law in any county court or court of a justice of the peace, except in cases where the court over which he presides has neither original nor appellate jurisdiction, shall be fined not less than one hundred dollars nor more than five hundred dollars."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 386, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of 1925 prescribing proper rule for the reversal of criminal cases by the Court of Criminal Appeals."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 384, A bill to be entitled "An Act enacting subdivision 15 of Article 616 of the Code of Criminal Procedure of 1925 regulating and limiting the questioning of jurymen on voir dire; declaring the rule as to reversal of cases by the Court of Criminal Appeals for failure to permit questions on such voir dire."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 330, A bill to be entitled "An Act amending Article 793 of the Code of Criminal Procedure of the State of Texas of 1925 relating to defendants convicted of misdemeanors, so as to strike out of said Article the words 'three dollars' and inserting in lieu thereof the words 'fifty cents.'"

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass, with the attached amendment.

Amend the bill by striking out the words "fifty cents for each day thereof" and inserting in lieu thereof the words "one dollar and fifty cents for each day thereof."

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 385, A bill to be entitled "An Act amending Article 22 of the Code of Criminal Procedure of 1925 of the State of Texas, by adding thereto provision for the use of the testimony of a witness whose attendance can not be secured by the State at the trial of a criminal case; and whose testimony can be reproduced, where defendant either in person or by counsel has had the opportunity to examine the witness in the trial court or in an examining court and providing a means of reproducing such testimony."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 426, A bill to be entitled "An Act to amend Article 929 Criminal Code, as adopted by the Thirty-ninth Legislature making it unlawful to sell certain fish over a certain length; prescribing the penalty therefor; and providing that said law shall not be applicable to any fish caught out of the waters of the Gulf of Mexico, or Laguna Madre or any salt water tributary thereof upon a hook and line."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 346, A bill to be entitled "An Act to amend Article 670 of the Penal Code of the State of Texas as adopted in 1925."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 291, A bill to be entitled "An Act to amend Article 1237 of Chapter Fourteen of the Penal Code of the State of Texas 1925,"

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 13, A bill to be entitled "An Act amending Article 47 of the Penal Code of the State of Texas of 1925, so as to properly define the word 'Offense' the word 'felony' and the word 'misdemeanor' prescribing what is and is not a capital felony."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 393, A bill to be entitled "An Act abolishing the jury commissioner system as provided for in Articles 2104 to 2116 inclusive, 2094 and 2119 of the Revised Civil Statutes of 1925, and Articles 591, 592, 593, 594 and 595 of the Code of Criminal Procedure of 1925; repealing or amending such of said Articles as necessary to accomplish said purpose and providing for the jury wheel system instead of the system provided for by said Articles."

Have had same under consideration and I am instructed to report it

back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 345, A bill to be entitled "An Act to amend Article 802 of the Penal Code of the State of Texas as adopted in 1925."

Have had same under consideration and I am instructed to report it back with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 289, A bill to be entitled "An Act to amend Article 1557 of the Penal Code of the State of Texas (1925) making same apply to all mortgages of motor vehicles and making it a penal offense to remove a motor vehicle from the county in which mortgagor resides at the time of giving mortgage, and retaining same out of the county for more than sixty days without first obtaining permission of the holder of the mortgage and making the venue for violation of Article 1557 in the county in which the car was taken without permission."

Have had same under consideration and I am instructed to report it back with the recommendation that it do not pass.

WOODWARD, Chairman.

Austin, Texas, Feb. 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend Article 4676 of Title 77 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that C. S. S. B. No. 309 do pass in lieu thereof.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 443, A bill to be entitled
"An Act ratifying and validating an
election heretofore held in and
throughout Guadalupe County, Texas,
upon the question of authorizing the
issuance of \$752,000.00 special road
bonds of said county, and levying a
tax in payment thereof; ratifying and
validating the petition for such elec-
tion, the order calling such election
and notices thereof, and all other or-
ders passed by the commissioners' court
of said county in respect there-
to, including the order declaring re-
sult of such election and the order au-
thorizing the issuance of such bonds
and levying a tax in payment there-
of; authorizing the commissioners' court
and proper officers of Guada-
lupe County to complete the issuance
of such bonds; ratifying and validat-
ing the taxes levied in payment of
such bonds; and authorizing and di-
recting the commissioners' court to
levy, assess and collect annually a
general ad valorem tax upon all tax-
able property in said county suffi-
cient to pay the interest on said bonds
and the principal thereof as they ma-
ture, and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port the same back to the Senate with
the recommendation that it do pass,
and be not printed.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 237, A bill to be entitled
"An Act declaring certain rules as
rules of the road to be observed by
the operators of motor vehicles upon
any highway in this State main-
tained in whole or in part by the
State of Texas or any county there-
in, and declaring that the failure to
observe any such rule by the opera-
tor of any motor vehicle shall be
prima facie evidence of negligence
on the part of such operator, and de-
claring an emergency."

Have had the same under consid-
eration, and I am instructed to re-

port the same back to the Senate
with the recommendation that it do
pass with the following committee
amendment:

Amend S. B. No. 237 by adding
after Section 2, a new Section 2-A.
In any suits for injury or damage to
person or property, growing out of
the violation or alleged violation of
any of the foregoing rules, contribu-
tory negligence shall be no defence
to a recovery, but if both parties be
guilty of negligence the jury shall ap-
portion the damages according to the
comparative negligence of the par-
ties."

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Pub-
lic Land and Land Office, to whom
was referred

S. B. No. 421, A bill to be entitled
"An Act to amend Article 5344 of
the Revised Civil Statutes of Texas of
1925, (being Chapter 140 of the
Acts of the Regular Session of the
Thirty-ninth Legislature), relating
to the payment of royalty and money
to the State under leases of certain
public lands, islands, waters, bays,
reefs, salt water lakes, river beds
and channels and other submerged
lands, so as to include "river beds
and channels" in the provision for
the exemption of payment of \$2.00
per acre per annum where the leased
area contains as much as 100 acres
but not in excess of 500 acres upon
which as many as five wells have been
drilled and upon which an expendi-
ture of as much as \$100,000.00 has
been made."

Have had the same under consid-
eration, and I am instructed to re-
port the same back to the Senate
with the recommendation that it do
pass, and be not printed.

REAL, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Min-
ing, Irrigation and Drainage, to
whom was referred

H. B. No. 556, A bill to be entitled
"An Act to amend Article 7596,
Chapter 1, Title 128, Revised Civil
Statutes of Texas, adopted at the
Regular Session of the Thirty-ninth

Legislature, to authorize conservation and reclamation districts cooperating under contract with the United States to waive the preference lien given them by statute, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal, for the reason that Senate Bill No. 390, which is the same bill, has been printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 557, A bill to be entitled "An Act to amend Article 7752, Chapter 2, Title 128, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, to authorize conservation and reclamation districts obtaining a water supply under contract with the United States, to waive the statutory lien given them, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal, for the reason that Senate Bill No. 391, which is the same bill, has been printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 396, A bill to be entitled "An Act to amend Article 198, Title 8, Revised Civil Statutes, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 401, A bill to be entitled "An Act providing for district judges in this State to be assigned to other judicial districts and hold district court and attend to judicial business therein so that the press of business and congested conditions therein may be relieved; providing the circumstances under which the said assignments may be made; making provision for a proper distribution of the business of district judges to better take care of such business in the various districts of the State; to said end creating administrative judicial districts and naming the counties composing each; providing for a presiding judge for each such district and for a district clerk to perform the necessary duties in such districts providing for conferences of district judges in said districts; prescribing the powers and duties of such conference or Judicial Council of Judges and District Clerks; providing for the extension of terms of court, the calling of special terms, and providing for compensation of presiding judges, district judges, district clerks in connection with duties imposed by this Act, making provision for their expenses; and providing for all matters and things necessary and incident to the accomplishment of the main purpose of the Act whether each detail is mentioned in this caption or not, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 423, A bill to be entitled "An Act to define and fix the jurisdiction of the County Court of Harrison County, Texas, and to conform the jurisdiction of the District Court of the 71st Judicial District in Harrison County to such change, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 406, A bill to be entitled "An Act amending Section 2 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for changing and prescribing terms and times of holding the courts in the Second Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present Act; to repeal all laws and parts of laws in conflict herewith; providing for and declaring an emergency, and providing time for the Act to take effect."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 455, A bill to be entitled "An Act to amend subdivision 11, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, of 1925, providing for the election of special judges in case of absence, sickness or inability of any of the regular judges to act and preside in the civil district courts of Harris County, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 404, A bill to be entitled "An Act to amend Article 322 of the Revised Civil Statutes for 1925, so as to provide for the election of a district attorney in certain judicial districts providing for the election of a criminal district attorney in certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred

S. B. No. 389, A bill to be entitled "An Act to create the office of State Services Officer, to be attached to the Comptroller's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such, together with traveling and incidental expenses, for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this Act."

Beg leave to report same back to the Senate with the recommendation that it do not pass, but that the following committee substitute pass in lieu thereof:

"An Act to create the office of State Service Officer, to be attached to the Comptroller's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary, making appropriation for such, together with traveling and incidental expenses, for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this Act."

McFARLANE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highway and Motor Traffic, to whom was referred

S. B. No. 450, A bill to be entitled "An Act to amend Section 1, Chapter 611, Acts of the Thirty-ninth Legislature, First Called Session, creating and defining by metes and bounds Road District No. One of Hidalgo County, Texas, under authority of Section 52, of Article 3, of the Constitution of the State of Texas for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; providing that such district shall be made a body corporate and taxing district under the Constitution and Laws of the State of Texas; excluding certain territory heretofore embraced and contained within said district; providing that the present outstanding bonds of said Road District No. One shall remain a charge against all of the taxable property situated within said district as it existed at the date of the issuance of the said present outstanding bonds; providing that the commissioners' court of Hidalgo County shall continue to levy, assess and collect annually sufficient taxes to pay the interest thereon and provide sinking funds sufficient to pay the principal at maturity, said taxes to be levied and collected upon all the property situated in said district as it existed at the time of the issuance of the present outstanding bonds; providing that said district as herein defined shall have authority to issue bonds for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of said district as herein defined; providing for the levy and collection of taxes sufficient to pay the interest on and provide sinking fund therefor, such bonds and taxes to be a charge only against said district as herein described and defined, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 355, A bill to be entitled "An Act authorizing any city of more than 100,000 to disannex for school purposes only, territory which is not within such city and has been annexed for school purposes, and prescribing the means and terms of such disannexation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the attached committee amendment and be not printed.

WITT, Chairman.

Committee Amendment, H. B. No. 335.

By Senator Rawlins:

Amend H. B. No. 355 by inserting in Section 1, after the words, "more than 100,000," the following: "located in a county having a population of 210,000 or more"

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 440, A bill to be entitled "An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two equipment inspectors, fix their compensation and pay for the same out of the State Highway Fund."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

FLOYD, Chairman.

By Floyd, Ward, Love, Witt.

A BILL

To Be Entitled

An Act to authorize the State Highway Commission to employ a chief auditor of accounts and expenditures, three engineer accountants or inspectors, and two

equipment inspectors, fix their compensation and pay for the same out of the State highway fund.

Be it enacted by the Legislature of The State of Texas:

Section 1. The Highway Commission is hereby authorized and empowered to employ a Chief Auditor of Accounts and Expenditures, three engineers accountants or Inspectors and two equipment inspectors, fix their compensation and pay the same out of the State highway fund.

Sec. 2. The authority herein granted and employments made thereunder shall expire upon the taking effect of the general appropriation bill for the fiscal years of 1928 and 1929 making provision for the operation of the Highway Department.

Sec. 3. The importance of this Act and the fact that there is now no adequate system of accounts in operation in the Highway Department, no chief auditor of accounts or expenditures, that no engineering accountants or inspectors of equipment inspectors are provided for, that the reports of the division engineers and other subordinates are not inspected or checked and the work is not inspected as it proceeds, and the fact that equipment belonging to the State is widely scattered and unaccounted for and no adequate record thereof made, create an emergency and an imperative necessity demanding the suspension of the constitutional rule requiring all bills to be read on three several days in each House and that this Act shall take effect from and after its passage and said rule is suspended and it is so enacted.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 454, A bill to be entitled "An Act validating the city of Sudan, Lamb County, Texas, incorporated under the General Laws of Texas at an election held on the 28th day of September, 1925, under the provisions of Chapter 15, Title 22, Revised Civil Statutes of 1911, as amended by Chapter 21, Acts of 1913, Regular Session, as amended by Chapter 60, Acts of 1921 Regular Session."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass. This being a local bill and satisfactory evidence of the publications of the statutory notices having been made, we recommend that said bill be not printed.

RUSSEK, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 456, A bill to be entitled "An Act to amend Article 198 of the Revised Civil Statutes of Texas, 1925, so as to remove the counties of Wood and Van Zandt from the Fifth Supreme Judicial District and place them in the Sixth Supreme Judicial District."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 482, A bill to be entitled "An Act providing that whenever any unorganized county within this State has become or may hereafter become organized the district judge within whose judicial district it is situated shall fix the time for holding court therein; and repealing all laws and parts of laws in conflict therewith: and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 484, A bill to be entitled "An Act to amend Subdivision 70 of Article 199, of Title 8, of the Revised Civil Statutes of Texas, by changing the time of holding the terms of the District Court of the Seventh Judicial District of Texas, repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 457, A bill to be entitled "An Act authorizing any county in this State upon a vote of two-thirds majority of the resident property tax payers voting thereon, in addition to all other debts, to issue bonds or warrants, or otherwise lend its credit in an amount not to exceed one-fourth of the assessed valuation of the real property of such county for the purpose of navigation and in aid thereof; providing for the holding of elections for such purpose, the returns of election; the declaration of the result; the issuance of bonds or warrants and the levy of taxes for the payment thereof; giving the right of eminent domain; the right to cooperate with the United States Government for the purposes thereof, and to transfer to the United States Government, right-of-way and necessary dumping privileges, for navigation purposes, or in aid thereof, and repealing Senate Bill No. 227 passed by the Fortieth Legislature at its regular session, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 352, A bill to be entitled "An Act making an emergency supplemental appropriation out of the General Revenues of this State for the maintenance and repair of the Governor's Mansion and Grounds, including repairs, improvements, labor and replacement, and for purchasing new furniture and furnishings for the balance of the fiscal year ending August 31, 1927, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

WOOD, Chairman.

Committee Amendment.

Amend H. B. No. 352, Section 1, by striking out "eleven thousand five hundred" wherever it appears and inserting in lieu thereof "twelve thousand."

WOOD, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 14, A Joint Resolution "Proposing to amend Article 7 of the Constitution of the State of Texas by adding thereto Section 16, providing that the term of all officers of the public free school system, including State institutions of higher education, may be fixed not to exceed ten years; proposing to amend Section 8 of Article 7 of said Constitution, authorizing the appointment or election of a State Board of Education to consist of ten members to serve ten years; requiring said amendments to be submitted to the people for adoption and making appropriations therefor."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with the committee amendments.

STUART, Chairman.

Committee Amendments.

Amend H. J. R. No. 14 by striking out of Section 1 thereof the following language:

"The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, of the terms of members of the respective boards, at not to exceed ten years."

And inserting in lieu thereof the following:

"The Legislature shall fix by law the terms of all school trustees and of all officers and members of boards of the State institutions of higher education."

Amend Section three by striking out sub-paragraph one and inserting in lieu thereof the following:

"(1) For the amendment to Article 7, adding Section 16, providing that terms of school trustees and officers and members of boards of institutions of higher education shall be fixed by law."

"Against the amendment to Article 7, adding Section 16, providing that terms of school trustees and officers and members of boards of institutions of higher education shall be fixed by law."

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 22, A Joint Resolution "Proposing an amendment to Section 2, of Article 9, of the Constitution of the State of Texas by changing said Section 2 so as to provide that when a county seat has been established for more than forty years it shall require a two-thirds majority vote of the qualified electors of said county to remove the county seat."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

STUART, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 26, A Joint Resolution "Proposing an amendment to the State Constitution authorizing local option elections to determine whe-

ther the county school superintendent shall be appointed by the county board of education."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass."

STUART, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 30, A Joint Resolution "Proposing an amendment to the State Constitution providing that hereafter members of the Legislature shall receive the same compensation or per diem after the first sixty days of a session as they receive for the first sixty days thereof."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STUART, Chairman.

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 28, A Joint Resolution "Proposing an amendment to the State Constitution authorizing Tom Green, Schleicher, Sutton, Edwards and Val Verde Counties, or districts in said Counties, pursuant to a majority vote of the property taxpaying voters in said Counties, or districts, to issue bonds and invest the proceeds thereof in aid of railroad construction."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendments.

STUART, Chairman.

Committee Amendment No. 1.

Amend the caption of Senate Joint Resolution No. 28 by striking out the words "Tom Green, Schleicher."

Committee Amendment No. 2.

Amend Senate Joint Resolution No. 28 by striking out of Section 3A, Sub-

division A, the word "Tom Green, Schleicher," and by striking out all of Subdivision "G" and "H" on page 3.

Committee Amendment No. 3.

Amend Senate Joint Resolution No. 28 by striking out the words "Tom Green, Schleicher" on line 25, page 6, and by striking out the words "Tom Green, Schleicher" on line 3, page 7.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 463, A bill to be entitled "An Act providing for the classification of elementary and high schools by the county board of school trustees; providing for free tuition for certain high school students; providing for appropriation therefor for the scholastic year beginning September 1, 1927 and scholastic year beginning September 1, 1928; repealing Article 2678 R. S. 1925, and all other laws in conflict herewith and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 455, A bill to be entitled "An Act creating a special road law for Hunt County, Texas, providing that said County may fund the legal outstanding indebtedness against its road and bridge funds as of January 1, 1927, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, that it be printed in the Journal and not otherwise.

FLOYD, Chairman.

By Moore.

S. B. No. 455.

A BILL

To Be Entitled

An Act creating a special road law for Hunt County, Texas, providing that said county may fund the legal outstanding indebtedness against its road and bridge funds as of January 1st, 1927, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioners' Court of Hunt County, Texas, is authorized and empowered to fund any and all indebtedness lawfully incurred for road and bridge purposes prior to January 1st, 1927, whether the same be current fund or simple contract debts, and whether issued in the form of warrants or otherwise, into bonds of Hunt County, Texas, redeemable and payable in not more than twenty-five years from date, and the same may mature serially or otherwise as may be determined by the Commissioners' Court, and may bear interest at the rate of not exceeding 5½ per cent per annum, interest payable semi-annually or annually, as may be determined by said court. All such funding bonds shall be in such denominations as may seem expedient, and the court shall provide for the levy of an annual tax upon all property within the county to provide for interest and sinking fund; provided that the aggregate amount of said bonds herein authorized shall not exceed the limitations provided by general law; and provided further that it shall not be necessary to submit the issues of said funding bonds to a vote of the property taxpayers of said county.

Section 2. The General Laws of the State of Texas relating to roads and bridges shall be applicable to Hunt County, Texas, where not in conflict with the provisions thereof.

Section 3. The existing Special Road Laws of Hunt County, Texas, designated by Chapter 60 of the Special Laws of the Regular Session of the Thirty-third Legislature, and Chapter 8 of the Special Laws of the Regular Session of the Thirty-fifth Legislature are hereby expressly repealed.

Section 4. The fact that Hunt County, Texas, does not have an adequate Special Road Law to effect the purposes of this bill, and the

fact that its present Special Road Laws contain obsolete and unconstitutional provision, creates an emergency and an imperative public necessity to the end that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 215, A bill to be entitled "An Act making appropriations to cover deficiency certificates issued and accounts outstanding, such having been incurred since September 12, 1926, on account of the several items provided for in the Judiciary Department of the State Government, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, that it be not printed in bill form, but be printed in the Journal.

WOOD, Chairman.

By Wood.

S. B. No. 215.

An Act making appropriations to cover deficiency certificates issued and accounts outstanding, such having been incurred since September 12, 1926, on account of the several items provided for in the Judiciary Department of the State Government, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to cover deficiencies and outstanding accounts against the Judiciary appropriation items, as follows:

Expenses of attached witness fees and mileage allowed witnesses in felony cases who reside in counties other than counties in which the cause is being tried.....\$ 506.04

Expenses of District Judges and District Attorneys 1,593.79

Fees of County Judges, County Attorneys, Justices of Peace, Sheriffs and Constables in Examining Trials 10,008.71

Fees and costs of Sheriffs, Attorneys and Clerks in felony cases 37,670.41

Fees, costs and per diem of District Attorneys.... 10,975.00

To pay salaries of Special District Judges 1,513.20

To pay expenses of District Judges holding court outside of their districts 435.39

For the payment of transcript fees, as provided for by Section 14, Chapter 119, of the Acts of the Regular Session of the 32nd Legislature, for the year ending August 31, 1926..... 265.50

For the payment of transcript fees, as provided for by Sec. 14, Chapter 119, of the Acts of the Regular Session of the 32nd Legislature, for the year ending August 31, 1927 652.95

Section 2. The fact that the deficiencies and accounts outstanding against the Judiciary items, as set forth above, have been incurred since September 12, 1926, the like items prior to that time having been provided for by the First Called Session of the Thirty-ninth Legislature; and the fact that officials and persons holding such outstanding evidences of indebtedness are compelled to hold same for long periods of time are to suffer loss by excessive rates of discount, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 1, 1927.
Hon. Barry Millett, President of the
Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 407, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay outstanding debts of the Prison System which are now due or which may mature prior to the first day of September A. D., 1927; making appropriations for support and maintenance of the Prison System until the first day of September, A. D., 1927; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, that it be not printed in bill form, but be printed in the Journal.

WOOD, Chairman.

By Wood.

S. B. No. 407.

A BILL

To Be Entitled

An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the Prison System which are now due or which may mature prior to the first day of September, A. D. 1927; making appropriations for support and maintenance of the Prison System until the first day of September, A. D., 1927; providing how said moneys shall be paid and become available; enacting provisions relative to moneys received by the Prison System shall be placed in the State Treasury to the credit of the general revenue fund and no moneys shall be paid out except upon sworn accounts and on warrants drawn by the Comptroller as provided for by General Laws of this State in reference to other departments of the State government, and pursuant to appropriations made by the Legislature; providing all things necessary to carry out the main purpose of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the State Treasury the sum of \$875,881.29 to pay the outstanding indebtedness of the Prison System of the State of Texas, now due or which may mature prior to the first day of September, A. D.,

1927. Every such debt now due or past due shall be paid out of said appropriation immediately after this Act takes effect upon sworn accounts and upon warrants drawn by the Comptroller on the State Treasury as provided by law for other departments of the State government, and all other outstanding debts maturing prior to said first day of September, A. D., 1927, shall be paid in the same manner out of said appropriation as the same mature.

Section 2. There is also hereby appropriated out of the State Treasury the sum of \$733,268.74, together with all moneys now on hand by said Prison System, for the support and maintenance of the State Prison System until the first day of September, A. D., 1927. All moneys now on hand which may not be in the State Treasury shall be immediately placed in the State Treasury and may be paid out on warrants of the Comptroller as aforesaid for the support and maintenance of the State Prison System.

Section 3. Said sum of \$733,268.74 for support and maintenance shall not become available immediately in a lump sum, but shall become available in monthly allotments as follows:

On the first day of April 1927	\$146,653.74
On the first day of May, 1927	146,653.74
On the first day of June, 1927	146,653.74
On the first day of July, 1927	146,653.74
On the first day of August, 1927	146,653.78

Section 4. Hereafter all moneys received by the Prison System shall be placed in the State Treasury to the credit of the general revenue fund, and no moneys shall be paid out by or on behalf of the State Prison System except upon sworn accounts and on warrants drawn by the Comptroller as provided by General Laws of this State in reference to other departments of the State government, and pursuant to appropriations made by the Legislature.

Section 5. The fact that the outstanding debts of the Prison Sys-

tem should be paid and the System placed upon a cash basis as soon as possible to the end that the System may be operated more efficiently and without the expense of paying interest and high prices incidental to operating on a credit basis, and the fact that this Act makes certain changes in the laws of this State in reference to the handling of funds of the Prison System, and the Act should take effect as soon as possible creates an emergency and in imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(Floor Report)

Senate Chamber,
Austin, Texas, March 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 447, A bill to be entitled "An Act to create a court to be known as the county court of Cameron county at Law; to define the jurisdiction of said court, to fix the terms thereof; to provide the clerk to be appointed by the county clerk of Cameron County, to fix the qualification, bond and salary of the judge and clerk thereof; to provide for transfer of any cases and appeals therefrom, now pending in the county court of Cameron county to the said court hereby created; and to provide for appeals from inferior courts to the court hereby created; providing for the appointment of a judge of the court hereby created; fixing the compensation of the county judge; providing for special judge, his election and compensation; providing for the disposition of fees; providing for a seal for said court; prescribing the duties of the county attorney in relation to said court; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Price, Lewis, Berkeley, Reid, Neal, Triplett, McFarlane.

By Parr.

S. B. No. 447.

A BILL
To Be Entitled

An Act to create a court to be known as the County Court of Cameron County at Law; to define the jurisdiction of said court, to fix the terms thereof; to provide the clerk to be appointed by the county clerk of Cameron county, to fix the qualification, bond and salary of the judge and clerk thereof; to provide for transfer of any cases and appeals therefrom, now pending in the county court of Cameron county to the said court hereby created; and to provide for appeals from inferior courts to the court hereby created; providing for the appointment of a judge of the court hereby created, fixing the compensation of the county judge; providing for special judge, his election and compensation; providing for the disposition of fees; providing for a seal for said court; prescribing the duties of the sheriff of the county in relation to said court; prescribing the duties of the county attorney in relation to said court; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a court to be held in Brownsville, Cameron county, Texas, to be called the County Court of Cameron County at Law.

Sec. 2. The County Court of Cameron County at Law shall have jurisdiction in all matters and cases, civil and criminal, original and appellate, over which by the General Laws of the State the county court of said county would have jurisdiction, except as hereinafter provided in Section 3 of this Act, shall be and the same are hereby transferred to the County Court of Cameron County at Law, and all writs and process, civil and criminal, heretofore issued by or out of said county court other than those pertaining to matters which are hereby exempt from this bill that are to remain in the county court of Cameron county, shall be and the same are hereby made returnable to the County Court of Cameron County at Law. The jurisdiction of the County Court of Cameron County at Law, and of

the judge thereof, shall extend to all matters of eminent domain of which jurisdiction has heretofore vested in the county court of Cameron county or in the county judge; but this provision shall not affect the jurisdiction of the commissioners' court nor of the county judge of Cameron county as the presiding officer of said commissioners' court as to roads, bridges, and public highways, or matters of eminent domain which are now in the jurisdiction of the commissioners' court or the judge of the county court of Cameron county.

Sec. 3. The county court of Cameron county shall retain as heretofore, the general jurisdiction of the Probate Court and all jurisdiction conferred by law now over probate matters; and the court herein created shall have no other jurisdiction that that named in this bill, and the county court of Cameron county as now and heretofore existing shall have all jurisdiction which it now has, save and except that which is given the County Court of Cameron County at Law in this bill, but the county court as now existing shall have no other jurisdiction, civil or criminal. The county judge of Cameron county shall be the judge of the county court of said county, and all ex-officio duties of the county judges shall be exercised by said judge of the county court of Cameron county, except in so far as the same shall by this bill be committed to the County Court of Cameron County at Law.

Sec. 4. The terms of the County Court of Cameron County at Law, and the practice therein, and the appeals and writs of error therefrom shall be as prescribed by the laws relating to county courts. The terms of the County Court of Cameron County at Law shall be held monthly, that is to say, the terms of said court shall be held in the courthouse of Cameron county, and begin on the first Monday in each month during the year and shall end on the last Saturday in each month during the year.

Sec. 5. There shall be elected in Cameron county by the qualified voters thereof at each general election a judge of the County Court of Cameron County at Law, who shall be well informed in the laws of the State, and who shall hold his office

for two years and until his successor shall have been duly elected and qualified. No person shall be elected judge of said court who has not been a resident citizen and practicing attorney of Cameron county, Texas, for at least one year prior to his election, and shall possess all of the qualifications for the office that are now required by the general laws of the State for county judges, before entering upon the duties.

Sec. 6. The county attorney of Cameron county shall represent the State in all prosecutions pending in said County Court of Cameron County at Law, and shall be entitled to the same fees as now prescribed by law for such prosecutions.

Sec. 7. As soon as this bill becomes effective the Governor shall appoint a judge of the County Court of Cameron County at Law, who shall hold his office until the next general election.

Sec. 8. In the case of the disqualification of the County Judge at Law of any case pending in his court, the parties or their attorneys may agree on the selection of a special judge to try such case or cases; and in default of such agreement a majority of the practicing lawyers of Cameron county shall elect a judge to try such cases where the County Judge at Law is disqualified.

Sec. 9. The County Court of Cameron County at Law, or the judge thereof, shall have power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas and all writs necessary to the enforcement of jurisdiction of said court, and to issue writs of habeas corpus in such cases where the offense charged is within the jurisdiction of said court, or any other court in said county of inferior jurisdiction to said county court at law.

Sec. 10. The county clerk of Cameron county, Texas, shall be the clerk of the County Court of Cameron County at Law, and the seal of said court shall be the same as that provided by law for county courts, except the seal shall contain the words "County Court of Cameron County at Law," and the sheriff of Cameron county shall in person or by deputy attend said court when required by the judge thereof, and the county clerk of Cameron county,

Texas, is hereby authorized, if it becomes necessary in his judgment, to appoint a deputy to specially attend to the matters pertaining to the County Court of Cameron County at Law, and said deputy shall be allowed a salary of one hundred dollars per month.

Sec. 11. The jurisdiction or authority now vested by law in the county court for the appointment of jury commission and selection and service of jurors shall be exercised by the County Court of Cameron County at Law.

Sec. 12. Any vacancy in the office of the judge of the County Court of Cameron County at Law may be filled by the commissioners' court, and when so filled the judge shall hold office until the next general election and until his successor is elected and qualified.

Sec. 13. The judge of the County Court of Cameron County at Law shall receive a salary of thirty hundred (\$3,000.00) dollars per annum, to be paid out of the county treasury of Cameron county, Texas, on the order of the commissioners' court of said county, and said salary shall be paid monthly in equal installments. The judge of the County Court of Cameron County at Law shall assess the same fees as are now prescribed by law relating to the county judge's fees, all of which shall be collected by the clerk of the court and shall be paid into the county treasury on collection, no part of which shall be paid to the said judge, but he shall draw the salary as above specified in this section.

Sec. 14. All cases appealed from the justices' courts and recorders' courts in Cameron county, Texas, shall be made direct to the County Court of Cameron County at Law, under the provisions heretofore governing such appeals.

Sec. 15. The county judge of Cameron county, at the time this Act goes into effect, shall receive the same compensation in ex-officio salary and fees as he would have received had this Act creating the County Court of Cameron County at Law, not been enacted, said compensation to be computed and allowed and ordered paid by the commissioners' court of said county out of the general fund of said county.

Sec. 16. The judge of the county Court of Cameron County at Law may be removed from office in the same manner and for the same causes as any county judge may be removed under the laws of this State.

Sec. 17. Whereas, there is now such a condition of the dockets of the county court of Cameron county as renders it impossible to get the cases tried and disposed of with anything like expedition; and whereas, due to the enormous growth and progress of Cameron county in the past three years the burdens on the county judge in connection with his work with the commissioners' court has so increased as to make it impossible for him to attend to both the business of the commissioners' court and to try the cases now on his docket, and whereas there is now and has been for some time past many persons who are unable to give bond in misdemeanor cases pending in said court, the crowded condition of said docket renders it impossible to reach such cases so as to give a speedy trial as is contemplated by the Constitution; and whereas, these unfortunate persons are incarcerated and confined in jail for petty and small violations of the law, it creates an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this bill put upon its third reading and final passage, and such rule is hereby suspended and this bill shall take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 359, A bill to be entitled "An Act repealing Article 7067 of the Revised Civil Statutes of Texas, 1925, imposing an occupation tax on any individual company, corporation or association, owning, operating, or controlling any interurban, trolley, traction, or electric street railway in this State and charging for transportation on said railway, and providing for the payment of a franchise tax by such individual, company, corporation, or association and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed but be printed in the Journal.

WIRTZ, Chairman.

By Kemble, et al. S. B. No. 359.

A BILL
To Be Entitled

An Act repealing Article 7067 of the Revised Civil Statutes of Texas, 1925, imposing an occupation tax on any individual, company, corporation, or association, owning, operating, or controlling any interurban, trolley, traction, or electric street railway in this State and charging for transportation on said railway, and providing for payment of a franchise tax by such individual, company, corporation, or association and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7067 of the Revised Civil Statutes of Texas, 1925, imposing an occupation tax based upon their gross receipts, upon each individual, company, corporation, or association owning, operating and controlling any interurban, trolley, traction, or electric street railway in this State and charging for transportation on said railway, be and the same is hereby repealed.

Sec. 2. In lieu of the tax imposed upon such individual, company, corporation, or association as provided in Article 7067 of the Revised Civil Statutes of 1925, the said individual, company, corporation, or association shall be required to pay the franchise tax now imposed in Chapter 3, of Title 122, of the Revised Civil Statutes of 1925, or which may hereafter be imposed by law.

Sec. 3. The fact that the income of the individuals, companies, corporations and associations named in Section 1 have been so seriously impaired that the payment of such occupation tax constitutes an unjust burden upon them, renders it impossible for them to earn a reasonable return upon their investments, and jeopardizes the public service rendered by them, creates an emergency and an imperative necessity for the suspension of the constitutional rule requiring that bills be

read on three several days and that this bill be in force from and after its passage, and it is so enacted.

(Majority Report.)

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation or hire over the public highways of the State; defining motor-bus companies and declaring them to be common carriers; exempting motor-bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the term "corporation;" "person," "public highway," "Highway Commission" and "commission;" etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed in bill form but be printed in the Journal.

FLOYD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, March 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation or hire over the public highways of the State; defining motor-bus companies and declaring them to be common carriers; exempting motor-bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms "corporation;" "person," "public highways," "Highway Commission," and "commission;" etc."

Reg to differ with a majority of your committee and report the same

back to the Senate with the recommendation that it do not pass.

PARR,
McFARLANE,
LOVE.

Committee Amendments.

The committee amendments to House Bill No. 50 are as follows:

(1). In the 14th line on page 4, (the same being the 2nd line of Section 3) after the word "facilities" insert the following "on any highway in this State."

(2). In the 15th line on page 4, (the same being the 3rd line of Section 3), after the word "convenience," insert the following: "on such highway."

(3). In the 18th line on page 4, (the same being the 6th line of Section 3), after the word "service" insert the following: "on such highway."

(4). In the 14th line on page 7, (the same being the 5th line of Section 6), after the word "facilities" insert the following: "on such highway."

(5). In the 1st line on page 8 (the same being the 9th line of Section 7), after the word "agencies," insert the following: "on such highways."

(6). In the 2nd line on page 8, (the same being the 10th line of Section 7), after the word "convenience" insert the following: "on such highways."

(7). In the 16th line on page 9, (the same being the 4th line of Section 8-d), after the word "companies" insert the following: "over the highways."

(8). In the 28th line on page 9, (the same being the 7th line of Section 9), after the word "facilities," insert the following: "over the highways."

(9). In the 27th line on page 5 (the same being the 10th line of Section 5), after the word "faith" insert the following: "or has sought in good faith permission to so operate."

(10.) In the 29th line on page 5, (the same being the 12th line of Section 5), in lieu of the words "October 1st, 1926" substitute the following: "January 11th, 1927."

(11). In Section 7 of the bill in paragraph No. 1 of said Section reading as follows: "then in either or any of such event said application shall be denied" by striking from same the

word "shall" and inserting in lieu thereof the word "may."

(12). In Section 17 of the bill in the paragraph containing the following words: "the plaintiff who must show by clear and satisfactory evidence etc." by striking therefrom the words "clear and satisfactory" and substituting therefor the words: "the preponderance of."

(13). In Section 11 of the bill, strike from same at end of said Section all of the remainder of said Section beginning with the words: "except that the trial judge, etc."

(14). Amend the bill as to the remainder of said Section 11 in accordance with suggestions to be made by the Railroad Commission and the Attorney General by amendments to be offered upon the floor of the Senate so that the public may be adequately protected in the collection of any damages recoverable against said bus companies.

By Beck.

H. B. No. 50.

A BILL

To Be Entitled.

An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation or hire over the public highways of the State; defining motor-bus companies and declaring them to be common carriers; excepting motor-bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms "corporation," "person," "public highways," "Highway Commission" and "commission;" providing for the issuance of certificates of convenience and necessity to motor-bus companies and prescribing the condition upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor-bus company, to fix or approve maximum and minimum fares, rates or charges, to prescribe all rules and regulations necessary for the government of motor-bus companies, to prescribe routes, schedules, service and safety of operations of motor-bus companies, to require filing of annual and other reports and data and do all things necessary to regulate all matters

affecting the relationship between motor-bus companies and the traveling public, with due and proper consideration given to the highway laws of the State, orders, regulations, etc., of the Highway Commission, commissioners' courts and the local government of municipalities; providing for issuance of temporary certificates of convenience and necessity to motor-bus companies operating since and prior to October 1, 1926, and making such temporary certificates permanent without notice and hearing except where protest is filed; prescribing requirements of application for certificates, notice and time of hearing; requiring motor-bus companies to procure and keep in force liability and property damage insurance and prescribing the terms and conditions of such policies, providing for revocation of certificates for failure to comply; providing for enforcement of such liability and rules of evidence in regard thereto; requiring operators of motor-bus companies to protect their employees by a Workman's Compensation Insurance; providing for the sale or transfer of any right, privilege, permit or certificate by any motor-bus company with the approval of the Commission; providing for the investigation and determination of complaints; authorizing the Commission or any member thereof or authorized representative to compel the attendance of witnesses, swear witnesses, take their testimony under oath; giving full power and authority to the Commission to perform all necessary things to carry out the purpose, intent, and provisions of this Act; providing for service upon, attendance and fees of witnesses and officers; providing for the suspension, revocation, alteration or amendment of permits and or certificates; providing for fees to be charged for the purpose of defraying the expenses of regulation, the collection and deposit of all such fees, together with all fines recovered by the State Treasurer, method of disbursement, and making appropriation of such sums so collected; providing for the employment by the Commission of all experts, assistants and other help

necessary to enable it at all times to properly administer and enforce this Act and to fix the compensation of such employees; making appropriation for initial expenses; providing for any deficiency and for transfer of surplus to the general revenue; providing for appeal from any action of the Commission; directing Board of Control to set aside necessary additional office space; providing that if any portion of this Act should be held unconstitutional the remainder shall not be invalidated; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. (a) That the term "corporation" when used in this Act means a corporation, company, association or joint stock association.

(b) The term "person" when used in this Act means an individual, firm, or co-partnership.

(c) The term "motor-bus company" when used in this Act means every corporation or person as herein defined, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning, controlling, operating, or managing any motor-propelled passenger vehicle, not usually operated on or over rails, and engaged regularly in the business of transporting persons as passengers for compensation or hire over the public highways between points within the State of Texas, whether operating over fixed routes or otherwise, and providing further, that the term "motor-bus company" as used in this Act shall not include corporations or persons, their lessees, trustees, or receivers, or trustees appointed by any court whatsoever, insofar as they own, control, operate, or manage motor propelled passenger vehicles operated wholly within the limits of any incorporated town or city and the suburbs thereof, whether separately incorporated or otherwise.

(d) The term "public highway" when used in this Act means every street, road, or highway in this State.

(e) The term "Highway Commission" when used in this Act means the Board of Highway Commissioners of the State of Texas.

(f) The term "Commission" when used in this Act means the Railroad Commission of the State of Texas.

Sec. 2. All motor-bus companies, as defined herein, are hereby declared to be "common carriers" and subject to regulation by the State of Texas, and shall not operate any motor propelled passenger vehicle for the regular transportation of persons as passengers for compensation or hire over any public highway in this State except in accordance with the provision of this Act, provided, however, that nothing in this Act or any provision thereof shall be construed or held to in any manner affect, limit or deprive cities and towns from exercising any of the powers granted them by Chapter 147, pages 307 to 318 inclusive, of the General Laws of the State of Texas, passed by the Thirty-third Legislature, or any amendments thereto.

Sec. 3. It is hereby declared that when existing transportation facilities do not provide passenger service which the Commission shall deem adequate to provide for public convenience, then such inadequacy of service shall be considered as creating a condition wherein the public convenience and necessity require the designation of, and provision for, additional service, and it shall be the duty of the Commission to issue certificate or certificates as herein provided, if in the opinion of said Commission the issuance of such certificates will promote the public welfare.

Sec. 4. The Commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate the public service rendered by every motor-bus company operating over the public highways in this State, to fix or approve the maximum or minimum, or maximum and minimum, fares, rates or charges of, and to prescribe all rules and regulations necessary for the government of, each motor-bus company; to prescribe the routes, schedules, service, and safety of operations of each such motor-bus company, to require the filing of such annual and other reports and of other data by such motor-bus company as the Commission may deem necessary; and to supervise and regulate motor-bus companies in all other matters affecting the relationship between such

motor-bus companies and the traveling public, whether herein specifically mentioned or not.

The Commission, in prescribing and adopting routes and dealing with all other matters affecting the physical operation and control of motor-bus companies over the public highways, under the power and authority of this Act, shall give due and proper consideration, in forming its conclusions and prescribing its orders and regulations, to the general highway laws of this State and to the orders, regulations, ordinances, or recommendations of the Highway Commission of Texas, or the commissioners' court of any county or counties or the local government of any municipality through or between which the routes for such motor-bus companies are prescribed and adopted.

Sec. 5. No motor-bus company shall hereafter regularly operate for the transportation of persons as passengers for compensation or hire over the public highways of this State without first having obtained from the Commission under the provisions of this Act a certificate or permit declaring that the public convenience and necessity require such operation; provided, however, that when it appears to the satisfaction of the Commission that any motor-bus company making application for a certificate or permit is operating and has been continuously operating a motor-propelled passenger vehicle service in good faith, over the particular highways designated in said application for certificate or permit, for a period commencing October 1st, 1926, or prior thereto, said motor-bus company shall upon application be granted a temporary permit to operate just as said company shall have been operating during said period and no more; said temporary certificate or permit shall become permanent without notice and hearing before the Commission unless a protest shall be filed with the Commission as provided herein; and in the event protest is filed to the application of such motor-bus company then said temporary certificate or permit shall continue in effect until said application and protest is heard and decided upon by the Commission, and said hearing and decision shall be had and rendered by the Commission as speedily as possible.

At any time within thirty days after the day this Act shall take effect anyone affected by the granting of said certificate or permit may file with the Commission a protest against said certificate or permit becoming or being made permanent, but such protest to be considered by the Commission must be filed within the specified thirty days and shall be in writing, and the author or authors of said protest shall supply the applying motor-bus company with a copy of same, setting forth in reasonable detail the reasons for said protest. In the event of protest to any application of any existing motor-bus company, hearing upon such application and protest shall be had and decision rendered as provided for all other applications.

In all other matters the holders of temporary or permanent certificates or permits obtained in this manner shall be subject to all of the provisions of this Act.

Any right, privilege, permit, or certificate held, owned or obtained by any motor-bus company under the provisions of this Act may be sold, assigned, leased or transferred, or inherited; provided, however, that any proposed sale, assignment, lease or transfer shall be first presented in writing to the Commission for its approval or disapproval and the Commission may disapprove such proposed sale, assignment, lease, or transfer if it be found and determined by the Commission that such proposed sale, assignment, lease or transfer is not made in good faith or that the proposed purchaser, assignee, lessee or transferee is not able or capable of continuing the operation of the equipment proposed to be sold, assigned, leased or transferred, in such manner as to render the service demanded by public necessity and convenience on and along the designated route.

Sec. 6. The Commission is hereby vested with power and authority, and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity, to ascertain and determine under such rules and regulations as it may promulgate, after considering existing transportation facilities, the service rendered and capable of being rendered thereby, and the demand for, or need of ad-

ditional service, if there exists a public necessity for such service, and if public convenience will be promoted by granting said application and permitting the operating of motor vehicles on the highways designated in such application, as a common carrier for hire.

Sec. 7. The Commission shall also ascertain and determine if a particular highway or highways designated in said application are of such type of construction to permit of the use sought to be made by the applicant, without unreasonable interference with the use of such highway or highways by the general public for highway purposes. And if the Commission shall determine, after hearing, that the service rendered or capable of being rendered by existing transportation facilities or agencies is reasonably adequate, or that public convenience would not be promoted by granting of said application and the operation of motor vehicles on the public highways therein designated, or that such highway or highways are not in such state of repair, or are already subject to such use as would not permit of the use sought to be made by the applicant without unreasonable interference with the use of such highway or highways by the general public for highway purposes, then in either or any of such event said application shall be denied and said certificate refused, otherwise the application shall be granted and the certificate issued upon such terms and conditions as said Commission may impose and subject to such rules and regulations as it may thereafter prescribe.

In determining whether or not a certificate should be issued, the Commission shall give weight and due regard to (1) probable permanence and quality of the service offered by the applicant, (2) the financial ability and responsibility of the applicant and its organization and personnel, (3) the character of vehicles and the character and location of depots or termini proposed to be used, and (4) the experience of the applicant in the transportation of passengers and the character of the bond or insurance proposed to be given to insure the protection of its passengers and the public.

The Commission shall have the power and authority to grant temporary certificates to meet emergencies

and shall have the power to make special rules and regulations to meet special conditions in different localities and for such time as in its judgment may be deemed expedient and best for the public welfare.

Sec. 8. No application for certificate shall be considered by said Commission except that it be reduced to writing and set forth the following facts:

(a) It shall contain the name and address of the applicant, and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant.

(b) The complete route or routes over which the applicant desires to operate, together with a brief description of each vehicle which the applicant intends to use, including the seating capacity thereof.

(c) A proposed time schedule and a schedule of rates showing the passenger fares to be charged between the several points or localities to be served.

(d) It shall be accompanied by a plat or map showing the route or routes over which the applicant desires to operate, on which plat or map shall be delineated the line or lines of any existing transportation company or companies serving such territory, with the names and addresses of the owner or owners thereof, and shall point out the inadequacy of existing transportation facilities or service, and shall specify wherein additional facilities or service are required and would be secured by granting of said application.

Sec. 9. Upon the filing of said application the Commission shall fix a time and place for hearing, and the place of hearing shall be the City of Austin, Texas, unless otherwise ordered by said Commission. Notice of the filing of said application, and the time and place of hearing shall be given by mail not less than ten days exclusive of the day of mailing before such hearing, addressed to the owner or owners of existing transportation facilities serving such territory as applicant seeks to serve, as well as to the Highway Commission of the State of Texas, the county judge or judges of the counties and to the mayor of any incorporated city or town, through which such motor carrier seeks to operate.

Sec. 10. The hearing shall be conducted under such rules and regulations as the Commission may prescribe,

and all parties interested, including the Highway Commission of this State, may appear either in person or by counsel, and present such evidence and argument as they may desire and as the Commission may deem pertinent, in favor of or against the granting of said application. It shall be the duty of the Highway Commission of this State, upon the request of the Commission to furnish any and all information that it has at its command relating to the highway or highways designated in such application as well as such other information as said Commission may deem pertinent to the granting or refusal of such application. After such hearing, and such investigation as the Commission may make of its own motion, it shall be the duty of said Commission to either refuse said application and certificate, or to grant said application and issue said certificate, in whole or in part, upon such terms and conditions as it may impose, and subject to such rules and regulations as it may thereafter prescribe.

The Commission at any time by its order duly entered after hearing had upon notice to the holder of any certificate granted under this Act and an opportunity given such holder to be heard, at which hearing it shall be proven to the satisfaction of the Commission that such certificate holder has discontinued operation or has violated or refused or neglects to observe any of its proper orders, rates, fares, rules, or regulations, may suspend, revoke, alter or amend any certificate issued under the provisions of this Act, provided that the holder of such certificate shall have the right of appeal as provided herein.

Sec. 11. The Commission shall, in the granting of any certificate to any motor-bus company for regularly transporting persons as passengers for compensation or hire, require the owner or operator to first procure liability and property damage insurance from a company licensed to make and issue such insurance policy in the State of Texas covering each and every motor propelled vehicle while actually being operated by such applicant. The amount of such policy or policies of insurance shall be fixed by the Commission by the general order or otherwise; and the terms and conditions of said policy

or policies covering said motor vehicles are to be such as to indemnify the applicant against loss by reason of any personal injury to any person or loss or damage to the property to any person other than the assured and his employees. Such liability and property damage insurance as required by the Commission shall be continuously maintained in force on each and every motor propelled vehicle while being operated in common carrier service. In addition to the insurance hereinabove set forth, the owner or operator shall also protect his employees by taking out workmen's compensation insurance, either as provided by the Workmen's Compensation Laws of the State of Texas or in a reliable insurance company approved by the Railroad Commission of the State of Texas. The taking out of such indemnity policy or policies shall be a condition precedent to any operation and such policy or policies as required under this Act shall be approved by and filed with the Commission and failure to file and keep such policy or policies in force and effect as provided herein shall be cause for the revocation of the certificate and shall subject the motor-bus company so failing to the penalties prescribed herein. Provided, that the liability insurance contract (not employer's liability insurance), as hereinbefore provided for, must recite that the insurer will pay any and all judgments that may be rendered against the insured (bus company) to the extent of the liability of the insurer for any and all damages occurring during the term of the insurance contract; and provided, that during the trial of any case, the fact that the bus owner or operator is protected by liability insurance shall not be referred to, except that the trial judge, in the reasonable exercise of his discretion, may refer to the matter in his charge for the purpose of correcting a trial error, and the jury shall not consider such fact of insurance for any purpose whatsoever.

Sec. 12. The Commission shall have the power and authority under this Act to hear and determine all applications of motor-bus companies; to determine complaints presented to it by motor-bus companies, by any public official or by any citizen having an interest in the subject matter

of the complaint, or it may institute and investigate any matter pertaining to automobile passenger transportation for compensation or hire upon its own motion. The Commission or any member thereof, or authorized representative of the Commission, shall have the power to compel the attendance of witnesses, swear witnesses, take their testimony under oath, make record thereof, and if such record is made under the direction of a Commissioner, or authorized representative of the Commission a majority of the Commission may upon the record render judgment as if the case had been heard before a majority of the members of the Commission. The Commission shall have the power and authority under this Act to do and perform all necessary things to carry out the purpose, intent, and provisions of this Act, whether herein specifically mentioned or not, and to that end may hold hearings at any place in Texas which it may designate.

Sec. 13. Each witness who shall be summoned to appear before the Commission or a Commissioner or authorized representative outside the county of his residence shall receive for his attendance the same per diem and fees as now provided for witnesses in attendance on district courts of this State in criminal cases, such fees and mileage shall be ordered paid upon proper voucher, sworn to by such witnesses and approved by the Commission or the Chairman thereof, out of the monies and funds arising under this Act; provided that no witness shall be entitled to any witness fees or mileage who is directly interested in any motor-bus or other transportation company involved in or concerning which the investigation or hearing on account of which he is called shall relate, and no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation. All process issued by the Commission for summoning witnesses or other purposes shall be directed to the sheriff or any constable of any county in the State of Texas and any sheriff or constable of any county in this State shall promptly execute any subpoena or other document directed to him by the Commission and shall receive such fees for this service as is now

paid for like services in the district courts of this State, such payment to be made on accounts properly verified and approved by the Commission or the Chairman thereof out of the fund provided in this Act.

Sec. 14. Every office, agent or employee of any corporation and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of this Act or fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Commission shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding five hundred (\$500.00) dollars, or by imprisonment in the county jail not exceeding one year, or both such fine and imprisonment. Each day any provision of this Act or any rule, regulation, or order, etc., of the Commission is violated shall constitute a separate offense, and the fact that the Commission may have caused prosecution for violation of its rules, regulations, etc., under the penal section of this Act shall not operate to prevent or limit the exercise of the authority of the Commission to suspend, revoke, alter or amend permits or certificates as provided in Section 10 of this Act.

Sec. 15. For the purpose of defraying the expense of administering this Act, every motor-bus company now regularly operating, or which shall hereafter regularly operate in this State, shall, in addition to other fees and charges provided for by law, at the time of the issuance of a certificate of convenience and necessity, as provided herein, and annually thereafter on or between September 1st and September 15th of each calendar year, pay a special minimum fee of ten dollars (\$10.00) for each motor propelled vehicle, and a further fee computed on the basis of fifty (50) cents per passenger seat for the rated passenger capacity of the vehicle or vehicles used.

If the certificate of convenience and necessity herein referred to is issued after the month of September of any year, the fees paid shall be proportionate to the remaining portion of the year ending August 31st following, but in no case less than one-fourth the annual fee. In case of emergencies or unusual tem-

porary demands for transportation the fee for additional motor propelled vehicles for less periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

All fees accruing hereunder and all fines collected under the provisions of this Act shall be payable to the State Treasurer at Austin, Texas, and shall, by the State Treasurer, be deposited in the State Treasury at Austin and credited to the fund to be known and designated as the "Motor Transportation Fund" and out of which all warrants for expenditures necessary in administering and enforcing this Act shall be paid.

Sec. 16. The Commission shall have power to employ and appoint from time to time such experts, assistants, and other help, in addition to its present force, as may be deemed necessary to enable it at all times to properly administer and enforce this Act. Such persons and employees of the Commission shall be paid for the services rendered such sums as may be fixed and prescribed by the Commission in monthly installments, and such salaries, wages and all fees that may be paid to witnesses and officers shall be paid out of the motor transportation fund by the State Treasurer on warrants of the Comptroller of Public Accounts on order or voucher approved by the Commission or the Chairman thereof. All actual and necessary traveling expenses of the members of the Commission and employees shall also be paid out of said motor transportation fund in the same manner as salaries, wages, and fees when such accounts shall have been itemized and sworn to by the Commission or employee incurring the expense and approved by the Commission or the Chairman thereof.

If the amount or total of such gross receipts collected under the provisions of this Act shall not be sufficient during any annual period to pay such salaries, costs, charges, fees, and expenses, then the deficit shall be paid by the State Treasurer out of any funds not otherwise appropriated. Until sufficient funds have accrued to said motor transportation fund for the payment of expenses, fees, etc., as provided herein, said expenses shall be paid by the State Treasurer out of any funds not otherwise appropriated,

such sum to be paid out of the general revenue not to exceed the sum of five thousand dollars (\$5000.00), and said sum is hereby appropriated. Any surplus remaining in the motor transportation fund at the end of any fiscal year, after paying all such salaries, accounts, fees, and charges and after deducting such amount as may be contracted to be paid and incurred and such sum as may be reasonably estimated by the Commission for its use pending further collection of fees shall be paid over to the general revenue fund.

Sec. 17. If any such auto transportation company, association, corporation, or other party at interest be dissatisfied with any decision, rate, charge, rule, order, act or regulation adopted by the Commission, such dissatisfied person, association, corporation, or party may file a petition setting forth the particular objection to such decision, rate, charge, rule, order, act, or regulation or to either or all of them in the district court in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature and shall be tried and determined as other civil causes in said court; either party to said action may appeal to the appellate court having jurisdiction of said cause and said appeal shall be at once returnable to said appellate court having jurisdiction of said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending; provided, that if the court be in session at the time such right of action accrues the suit may be filed during such term and stand ready for trial after ten days notice. In all trials under this section the burden of proof shall rest upon the plaintiff who must show by clear and satisfactory evidence that the decisions, rates, regulations, rules, orders, classification, acts, or charges complained of are unreasonable and unjust to it or them. The Commission shall not be required to give any appeal bond in any cause arising hereunder and no injunction shall be granted against any order of the Commission without hearing unless it shall clearly appear that irreparable injury will be done the complaining party if the injunction is not granted.

Sec. 18. Whenever notice is required in this Act to be given ten days exclusive of the day of service and return shall be considered as reasonable notice; provided, that in case of emergency the Commission may hear any cause or complaint on less than ten days notice.

Sec. 19. The State Board of Control is hereby authorized and directed to set aside such additional office space in the Capitol at Austin as may be deemed necessary by the Commission for the proper performance of its added duties as herein defined.

Sec. 20. All laws and parts of laws in conflict are hereby expressly repealed.

Sec. 21. If any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of the Act.

Sec. 22. The fact that there is at this time a large number of individuals, firms, and corporations using the highways of this State for the transportation of persons as passengers for hire, by motor propelled passenger vehicles, and the further fact that there is no law regulating this extensive branch of common carrier service, and no law to protect the public in its dealings with such common carrier, creates a public necessity requiring the suspension of the constitutional rule which requires all bills to be read in each House on three several days, and that such rule be and the same is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas, March 2, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Lewis.
Floyd.	Love.